

VERBATIM PROCEEDINGS

UNITED STATES ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT

MOHEGAN TRIBE AQUACULTURE PERMIT APPLICATION

JUNE 25, 2001

GROTON INN AND SUITES
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GROTON, CONNECTICUT

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. . .Verbatim Proceedings of a Hearing
before the United States Army Corps of Engineers, In Re:
Mohegan Tribe Aquaculture Permit, held June 25, 2001,
at 7:01 P.M. at the Groton Inn and Suites, 99 Goldstar
Highway, Groton, Connecticut. . .

MODERATOR LARRY ROSENBERG: Good evening.
Good evening, ladies and gentlemen. Good evening.
Good evening, ladies and gentlemen, and welcome to this
public hearing regarding the permit application
submitted by the Mohegan Tribe by Dr. Paul Maugle, the
Aquaculture Director.

A VOICE: I can't hear you.

MODERATOR ROSENBERG: I can hear you,
sir.

My name is Larry Rosenberg. And I'm the
Chief for Public Affairs for the United States Army
Corps of Engineers in New England. I will be your
Moderator and Facilitator during this public hearing.

Our Hearing Officer tonight is Lieutenant
Colonel John L. Rovero, the Deputy District Engineer for

the United States Army Corps of Engineer in New England.

If you need copies of the Public Notice, the hearing procedures or other pertinent information, it is available at the registration table. I should point out that the Corps has made no decision regarding this permit application.

The agenda for the public hearing is, following this introduction, Colonel Rovero will address the hearing. He will be followed by the permit applicant that will discuss the applicant. Then we will open it to your comments.

Before we begin, I'd like to remind you of the importance of filling out those yellow cards that were available at the door. These cards serve two purposes. First, they let me know that you're interested in the permit so we can keep you informed. Second, they provide me a list of who wishes to speak tonight. If you did not complete a card but wish to speak or receive future information, please fill out one at the desk. Thank you.

One additional comment. We are here tonight to receive your comments, not to enter into any discussion regarding those comments or to reach any conclusions. All questions you have should be directed to the record and not to the individuals on the panel.

Thank you.

Ladies and gentlemen, Colonel Rovero.

COLONEL JOHN ROVERO: I'd like to welcome you today to this public hearing a request for permit by the Mohegan Tribe under Section 10 of the Rivers and Harbors Act to install fixed and floating structures for a commercial aquaculture operation in waters of the United States.

I would also like to thank you for involving yourself in this environment review process. Please feel free to bring up any and all topics that you feel need to be discussed on the record. I assure you that all of your comments will be addressed during the process.

I am Lieutenant Colonel John Rovero of the New England District, U.S. Army Corps of Engineers. Our Headquarters is located in Concord, Massachusetts. Other Corps representatives with me tonight include Cori Rose, our Permit Project Manager, Robert Desista, the Chief of Permits and Enforcement Section of our regulatory office for Connecticut, Richard Santino from our office of counsel, and Larry Rosenberg, our Chief of Public Affairs, who will facilitate this evening's hearing.

This evening's hearing is being conducted

as a part of the Corps of Engineers regulatory program solely to listen to your comments.

I would like to briefly review the Corps of Engineers' responsibility in this process. First, the Corps' jurisdiction in this case is Section 10 of the Rivers and Harbors Act that authorizes the Corps to regulate structures and work in navigable waters of the United States.

Second, there are detailed regulations that explain the procedure for evaluating permit applications and unauthorized work is Title 33, Code of Federal Regulations, Parts 320 through 330.

And, third, the Corps' decision rests upon several important factors, to include, in accordance with those aforementioned regulatory and statutory authorities, our decision to issue a permit will be based upon an evaluation of the probable impacts of the proposed activity on the public interest.

Our decision will reflect the national concern for both the protection and utilization of important resources. The benefits that may reasonably accrue from the proposal must be balanced against its reasonably foreseen detriments and all factors which may be relevant to the proposal will be considered prior to our making a decision. And those factors include, but

are not limited to, conservation, economics, aesthetics, the environment, fish and wildlife values, navigation, recreation, water supply, food production and, in general, the needs and welfare of the American people.

Subsequent to our determination, the Corps conducts a broad-based public interest review. This hearing is part of that review. All factors affecting the public will be included in our evaluation. Your comments will help us in reaching a decision.

The hearing tonight will be conducted in a manner so that all who desire to express their views will be given an opportunity to speak. To preserve the rights of all to express their views, I ask that there be no interruptions.

When you came in, copies of both the Public Notice and the procedures to be followed at this hearing were available. If you did not receive these, both are available at the registration desk at the entrance to the hall.

I will not read either the hearing procedures or the Public Notice. But they will be entered into the record. The record of this hearing will remain open and written comments may be submitted tonight or by mail until July 12, 2001. All comments will receive equal consideration whether verbal or

written.

Lastly, to date, no decision has been made by the Corps of Engineers with regard to this permit. It is our responsibility to evaluate both the environmental and socio/economic impacts prior to our decision. And in order to accomplish that, we need your input. Yes, it is indeed crucial to this public process that your voice is heard. And I thank you for your involvement.

MODERATOR ROSENBERG: Thank you, sir.

Ladies and gentlemen, Dr. Paul Maugle, Aquaculture Director for the Mohegan Tribe.

DR. PAUL MAUGLE: Good evening, ladies and gentlemen. My name is Paul Maugle and I'm the Director of the Aquaculture Program with the Mohegan Tribe.

Since 1972, I have worked and conducted research in aquaculture in 15 countries. Aquaculture is not only my but, but is my vocation. Over these years, I have grown many different species and learned to communicate in three different languages along the way. But not until now have I had an opportunity to bring back to my home state some of these experiences.

With the Mohegan's initiative to create a sustainable aquaculture industry in southeastern

Connecticut, we are attempting to combine the latest science and technology of aquaculture with the cultural interests of the Tribe. This initiative, in my opinion, brings something new to the environmental discussion that no one else in southeastern Connecticut has done so far. It's to produce a sustainable shellfish industry.

When brought to full operation, we expect to produce and to make available high-quality, disease-resistant shellfish seed and finished product to help fulfill this market demand.

This project will bring numerous benefits not only to the Mohegan Tribe but for the community as well. We will positively impact area businesses that provide equipment, supplies and services to the project.

By creating an abundance of consistently high-quality, disease-resistant shellfish seed and shellfish, we will help bolster southern Connecticut's expanding tourism industry with an important and recognizable shellfish product which is a significant part of Connecticut's heritage and a symbol of our maritime roots.

Connecticut's oysters are simply the most valuable oysters reared in the United States today. Connecticut oysters are exported to Japan, the world's most stringent seafood marketplace.

The Long Island Sound Office of the U.S.

EPA in an April 5 news release stated, and I quote, "Nitrogen levels are directly linked to low levels of dissolved oxygen, a condition called hypoxia, which is the most serious water quality problem affecting the Sound", end quote.

Few people know that oysters actually clean the Sound as they filter the water for food. Shellfish also act as environmental sentinels, alerting the science community to events degrading water quality.

Over the past year, I have met with community, government and industry leaders. Through these discussions, we have heard many issues and concerns raised. In response to these discussions, we have made major improvements to the project.

In Pine Island, we downsized the north side to 4.3 acres of floating ADPI bags, not 10 acres. On the south side, we downsized to 33 acres, not 50 acres, of submerged longlines. We've also submerged the longlines from eight foot to ten foot deep. And we also are proposing 14.8 acres of bottom cages, not 50 acres of bottom acres in the initial proposal.

We're also proposing to put a water quality monitoring station somewhere in that area and to moor an upweller, a large-scale upweller.

In the Mystic River or Fisher's Island

Sound, depending on how you look at it, we're proposing 25 acres of submerged longlines, not 100 acres as in the initial proposal. These are significant downsizings to this project.

In Site 4, Lease 589, from a shellfish point of view just off the Stonington breakwater, we're proposing 26 acres of bottom cages, not 50 acres as in the initial proposal, and 33 acres of submerged longline.

In Site 5 in Pawcatuck, we're also proposing a water quality monitoring station, an upweller mooring or temporary upweller mooring and storm mooring, and 20 acres of FADPI, not 10 acres as the original proposal, on the eastern side, and 15 acres of FADPI, not five acres in the original proposal.

In Ram Island, we're proposing a mooring for an upweller on the south side of the island, the south and east side of the north. In the north end, we're proposing nine acres of FADPI, not ten acres as in the original proposal. And on the eastern side, it's 23 acres of bottom cages similar to traditional lobster gear, not 10 acres.

In Site 7, in Niantic Bay, we're proposing a water quality monitoring station. We're also proposed 19 acres of submerged longlines, not 20

acres of floating longlines. These longlines would be submerged three feet below the surface. And, in addition, eight acres of bottom cages.

We have responded to requests by other groups using the Sound and have reduced the size of the requested shellfish rearing areas to 232 acres. This is a 25-percent reduction from the original proposal.

In Stonington, we're planning to berth an upweller or both upwellers, upgrade the docks, wet-store the products -- by wet storage, we mean holding the products there to de-sand them -- and set up a water quality monitoring station.

The aesthetic impact of the Mohegan floating upweller vessel as we have proposed is both visually appealing, in my opinion, and functional. The enclosure we are proposing will look as much as possible like a dock-side cottage.

The peak of the upweller enclosure, seen as an internal view here, but other there -- you've all seen the depiction -- is 12-1/2 feet off the water line.

This is two feet less than originally proposed and, in many cases, similar to the height of pilings supporting fixed docks.

The upweller vessel was designed to exceed structural standards given by the ABS Rules for

Building and Classing of Steel Barges in 1991. These rules are provided to -- these rules are intended to provide structural standards for barges making open-ocean voyages. The stresses that these will experience -- the stresses that these upwellers will experience in their intended service will be significant lower than what they are designed to handle.

The machinery installation aboard the upweller has been designed to minimize environmental impacts. The generator manufacturer, Fischer Panda, has been selected based on its efficiency and quietness. In addition to selecting a generator with low emission characteristics, the machinery space will also be insulated to further reduce noise levels. The generator exhaust will be water-cooled in a manner of luxury private yachts to further minimize noise and odor potential.

We have, with the support and guidance of the Department of Environmental Protection, increased the depth of submerged longlines, as I pointed out before, to ten feet beneath the surface at the three primary sites and three feet below the surface at the Niantic site. We have located proposed sites in areas which will permit boats to navigate over these structures.

The Connecticut Department of Environmental Protection and other agencies will certainly ensure proper permitting and enforcement of these proposed sites.

We understand your concern for a healthy and wholesome marine environment and will continue to provide reasonable solutions to concerns brought forward by interested parties and individuals.

In Pine Island, as I pointed out before, we're planning to put FADPI's on the north shore, an upweller mooring here and a water quality station somewhere on this bay. We're also planning to put -- submerge bottom cages and submerged longlines here. This is one-third of a mile off the Pine Island shore.

We're proposing in Ram Island -- or, rather, the Fisher's Island lease 25 acres of submerged longlines 10 feet below the surface. We put it up in this nook, a reef nook. There is a heck of a current below this reef -- above this reef. But as you submerge the lines, you're out of the current.

In Stonington, we're looking to use submerged longlines in this area here, 33 acres. We're beginning with 5 acres and growing to 33. And this area, we're looking at bottom cages, starting with, again, about 5 to 10 acres and growing to 26, not the

original 50 acres we initially proposed.

In the Pawcatuck River, we're proposing to use this area here to float ADPI, a water quality monitor station and a mooring, storm mooring, for the upweller.

We're also proposing using this area as -- this Colonial Creek area as floating FADPI bags and rearing system here.

In the Ram Island basin, we're proposing FADPI's in this area here in nine acres. We're starting with three. And leaving a channel passing through these FADPI areas. In the winter, these FADPI's will be removed and the bags will actually be inserted into cages to hold the rearing stock here.

We're also proposing an upweller to be moored adjacent to the dock on Ram Island and using shore power so there's no noise and pollution or potential for pollution in this area.

In Niantic Bay, we're proposing to work outside of the fishing weir that's in existence today but not outside of the area marked on old charts. The issue is that not all of this area is used for the fishing weir. We're attempting to use an area that's already marked on the charts in an environmentally friendly way.

We're also looking to submerge the

longlines here so there's no visible surface moorings. We're only putting sparbuoys, as you see in the corner, on the corners of this thing.

The benefits of the Mohegan Aquaculture Initiative will improve -- it will improve water quality in the proposed project areas. It will increase fish around the submerged longline structures. It will replenish high-quality shellfish in an area thought to be in the -- in the area with a sustainable and renewable process.

It will positively impact area businesses that will supply equipment and supplies to the project.

It will help establish eastern Connecticut as a leader in the evolving aquaculture industry, further expand the availability of high-quality, wholesome shellfish for the region and further establish marine education and ecosystem education opportunities.

In closing, I'd like to say this hearing has given us an opportunity to interact and share our details of our proposed project with you and with the community at large. But, more importantly, it has given us a chance to hear your thoughts and opinions on the project. We are here to listen. And we look forward to more interactions like this.

Thank you very much.

MODERATOR ROSENBERG: Thank you.

(APPLAUSE)

MODERATOR ROSENBERG: Ladies and gentlemen, please hold your applause. Thank you.

I will try to speak up.

Ladies and gentlemen, it is crucial to this public process that your voice is heard and we're here to listen, to listen to your comments, to understand your concerns and to provide you an opportunity to summarize your concerns for the record, should you care to do so.

In order to make any decisions regarding this permit application, we, the Army Corps of Engineers, need to hear from you, the individuals most affected by the project.

So, if there's no objection, I would like to dispense with the reading of the Public Notice and have it entered into the record. Thank you, sir.

A transcript of this hearing is being made to assure a detailed review of all the comments. A copy of the transcript will be available at our Concord Headquarters, Concord, Massachusetts Headquarters, for your review. It will be on our Website for your use. Or you may make arrangements with the stenographer for a copy at your own expense.

When making a statement, please come forward to the microphone, state your name and the interest you represent, if you do so. As there are many, many here who wish to provide a summarized comment tonight, you will be provided two minutes, no more.

The green traffic signal in front will indicate the following. When the green light comes on, you will have two minutes. I will turn that on until you identify yourself. The amber light will indicate one minute left and the red light indicates that time has expired.

Once again, we are here to receive your comments, not to enter into any discussion of those comments or to reach any conclusions. Any questions you have should be directed to the record and not to the individual.

Please identify if you're speaking for or representing a position of an organization. And if you're speaking as an individual, please say so.

I would also ask that you spell out your name so when the transcription is made, there will be no problem.

I want to emphasize again that all who wish to speak will have an opportunity to do so. For your convenience, a stenographer is also available just

outside those doors to the right in a private setting should you wish to dictate a statement longer than two minutes for the record rather than make the two-minute formal presentation. These statements, along with all written statements summarized tonight or written and received by July 12, 2001, will receive equal consideration with those presented here today, tonight.

We will now receive your comment according to our hearing protocol, with one nuance. We will take our hearing protocol, which is members of Congress on down to local agencies -- we will intermix with individuals from the public. So we'll go back and forth until the protocol is taken care of and then it will be all direct public comment.

Again, oral and written statements receive equal consideration in the decision-making process. If you have written statements, please bring them to the front table or to Sally or Ann Marie at the registration.

Again, two minutes. Summarize your statement.

Before we begin, I would like to thank Congressman Simmons for having -- for sending his representative, Jane Defina, to come down and listen to your comments tonight. Thank you, sir.

The first individual to speak is State Representative Diane Urban from Hartford of the 43rd District. She will be followed by Gail C-u-e-t-o from Groton. There is one extra mike on this side.

Ma'am?

REP. DIANE URBAN: Good evening. Is this on? Can you hear me? Guys? Is it on?

A VOICE: Yes.

REP. URBAN: Talk right into it. Now can you hear me? All right.

I'm State Representative Diane Urban. I represent the people of the 43rd District. Hi. And I am here tonight because of a history of aquaculture in our area. Aquaculture, we have addressed it in the State Legislature. We want to protect our aquaculture industry. It's a positive thing in the state of Connecticut.

But, also, there are concerns with the scope of this project. And I believe, although the Mohegans -- and I want to preface it by saying they have tried to be very cooperative. I think they're very concerned with the people of the community and their concerns.

They have reduced it by 25 percent. But I still believe the people that I have spoken to feel

that with one of the last fishing fleets pretty much on the coast and certainly the last fishing fleet in the state of Connecticut, recreational, boating and fishing, which add to the quality of life along the coast of Connecticut, that the project itself is still in excess of what the people that I represent feel comfortable with.

And I hope that at this point we'll be able to look at the quality of life, to look at the last fishing fleet in the state of Connecticut and come up with some compromise as to the size of this project.

The public needs to participate in this. For me as a State legislator, this is an issue of public trust. And when you have an issue of public trust, you need the public to participate and feel comfortable.

So I would encourage the Tribe to continue to talk. But I do feel at this point in time that the scope is too large and people are not comfortable, the people that I represent are not yet comfortable.

And I thank the Army Corps for being here. Thank you.

MODERATOR ROSENBERG: Thank you, Ma'am.

Our next speaker, Gail Cueto? And she

will be followed by John Reed, representing State Senator Cathy Cook. And, like I said, Mr. Reed, you can take the microphone over here.

Ma'am?

MS. GAIL CUETO: My name is Gail Cueto. I'm a resident of Jupiter Point Road. And I'm going to speak specifically to the Pine Island Bay proposal part of the proposal. And these comments were put together with the help of Simma Edmund Caine, who is an environmental scientist.

There's no information presented to assess whether the proposal will have deleterious effects on benthic habitat and wild populations of fish and shellfish. There is no mention of recent and extensive problems experienced by aquaculture operations regarding the disease outbreaks, both bacterial and viral in nature, and potential transfer of diseases to wild populations of fish and shellfish.

Recent outbreaks of vibrio in Connecticut shellfish aquaculture operations raised the specter of wiping out natural populations and establishing pockets of antibiotic-resistant disease in the wild.

This is especially critical, given the proximity of the Pine Island Bay proposal to the Poquonnock River, arguably one of the most productive

shellfish-producing rivers in the state of Connecticut.

The Pine Island Bay project is also adjacent to a small wild population of bay scallops in Baker Cove. These populations provide substantial recreational opportunities that may be at risk. In cases of disease outbreaks, will antibiotics be broadcasted to the water? More information is needed regarding the proposed containment and treatment of disease outbreaks.

More information is also needed about the frequency and specific practices of chemicals involved in net cleaning. What chemicals will be introduced into the environment? Many cleaning products contain phosphates that have been implicated in nutrient over-enrichment and the creation of eutopic conditions. These conditions are detrimental to sustaining natural habitats and healthy wild populations of fish and shellfish.

What specific practices will be employed to manage predator populations? Many aquaculture operations utilize various pesticides to kill crustacean predators of their product. What specific chemicals will be used? What are the implications of pest reduction for wild populations of crustaceans, fish --

MODERATOR ROSENBERG: Thank you.

MS. CUETO: -- and other species of shellfish? What will the impact be on --

MODERATOR ROSENBERG: Thank you.

MS. CUETO: -- water quality? Will the introduction of net cleaning --

MODERATOR ROSENBERG: Thank you.

MS. CUETO: -- pesticides lead to prohibitions against --

MODERATOR ROSENBERG: Thank you.

MS. CUETO: -- swimming or public use of the shellfish resources areas?

MODERATOR ROSENBERG: Thank you very much. Thank you, Ma'am.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, John Reed, representing State Senator Cathy Cook. And he will be followed by Jay Sullivan, Connecticut.

Sir?

MR. JOHN REED: Good evening. My name is John Reed and I've been asked to speak on behalf of State Senator Cathy Cook, who writes to the Corps of Engineers "Dear Ms. Rose, I regret that the Connecticut State Senate has been called into Special Session this week and I am unable to attend this evening's public hearing on the application by the Mohegan Tribe for permits to

conduct aquaculture activities in Fisher's Island Sound."

"I have already sent written comments to you regarding the original application. I have had an opportunity to review the amendments to this application. I am gratified that the Tribe has indicated a willingness to scale back the scope of the project."

"I remain concerned, however, about the safety of navigation in and around Pine Island Bay, Ram Island and Mystic River. These are areas of great recreational importance to boaters. The navigable areas are crowded at times and currents and traffic frequently require alert skippers to adjust course. Any narrowing of the options by fishing gear could cause problems."

"This region has shared the natural resources of Fisher's Island Sound successfully for centuries. We accommodate the navigational and security needs of the U.S. Navy for submarines. We have learned to stay out of the way of the many ferries that transport millions of passengers a year. We encourage increasing amounts of cargo shipping in and out of our beautifully restored pier in New London. We work together with commercial fishermen to sustain their way of life as the last commercial fishing fleet in the

state."

"We are sensitive to the fragile ecosystem of Long Island Sound and have willingly paid taxes to improve the water quality through sewage system upgrades and other environmental initiatives."

"Boating and fishing are critical to our state's economy. The State Legislature has sponsored many laws to encourage growth in these commercial and recreational areas. I view a renewed effort in aquaculture as a part of further growth to our economy from the sea. But growth in this area must not inhibit growth in the other areas that depend on the Sound."

"I encourage you to listen to my many constituents who are here. Their concerns are real and are born from direct experience. We in this region know our waters well. We can accommodate commercial and recreational marine uses. But this partnership cannot be forged if the Army Corps ignores the serious concerns presented this evening."

MODERATOR ROSENBERG: Thank you.

MR. REED: "We are looking forward to working with you."

MODERATOR ROSENBERG: Thank you, sir.

MR. REED: Thank you very much.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Mr. Jay Sullivan, to be followed by Nancy Dimarinis, State Rep from the 40th District.

Mr. Sullivan?

REP. NANCY DIMARINIS: DeMarinis.

MODERATOR ROSENBERG: DeMarinis. Thank you.

Mr. Sullivan?

State Representative DeMarinis? To be followed by -- there's a lot of technology. To be followed by Lea Doran from Groton.

State Rep?

REP. DEMARINIS: The name is DeMarinis. you got close. So -- we did, indeed, have a Special Session today. I was lucky enough to get down here in time.

Too close?

MODERATOR ROSENBERG: No. Not close enough.

REP. DEMARINIS: Okay. Where do you want me? Can you hear me? Closer? All right.

I want to register my opposition to the proposed aquaculture project and particularly as it applies to Pine Island Bay. And I haven't heard and don't think I will hear one thing that particularly

concerns.

DOT right now has a plan in to expand the runway safety areas at the airport. There's one proposal for a thousand feet on each end, one for 500 feet on each end and also a no-build proposal. And they are likely to pursue the 500 feet on each end. So we're already seeing potential impact on Pine Island Bay.

There are about a thousand boats, at least in the summer, coming in and out of that bay. It's a crowded place. And I have a file on my desk about that thick that says Pine Island with all the issues that have come up over my period in the legislature the last eight or nine years. And they've been the boat launch. They've been the application of the Yacht Club for more dock space. And all of those things have happened and have -- the cumulative effects are beginning to show.

When I hear from people that the bay is polluted, I'm not quite sure in what sense they mean it.

But it could be anything from chemicals and metals from many years of boats around or it could be biological, which I doubt. We're all pretty careful down there.

I'm also concerned about the safety issue of an upweller there. Wind and wave studies that have been done on the Thames River and also in Pine Island

Bay show the vulnerability of boats and such a structure as the upweller. Even moored, it could tear loose and do immense personal damage -- property damage in the area.

I also have talked to our Soundkeeper, Terry Backer, who is in favor of aquaculture but has some questions about the technology with this particular proposal, about the length of the lines and what they're made out of and predicts dire opposition from the lobster people.

As for Pine Island Bay, boats even use the shallowest part of the bay. I kayaked up there the other day in water to my knees. But it's all used.

And I really want to express my opposition and hope that the proposal will be, at the least, more scaled back.

MODERATOR ROSENBERG: Thank you.

REP. DEMARINIS: And the most done with.
Thank you.

MODERATOR ROSENBERG: Thank you, Ma'am.

(APPLAUSE)

MODERATOR ROSENBERG: Mr. Jay Sullivan was detained for one moment. And, Lea, you will follow him. Okay? Thank you.

MR. JAY SULLIVAN: Hi. Thank you.

This briefcase is full of issues pertaining to the Niantic River area and the bay area there. I'll start with the Sullivan fish trap as a first-seen trap. It's now an illegal form of fishing. It is harmful to the marine environment. It cuts off the fish migratory routes into the Niantic River.

Our marine environment is very damaged in the river. I've been tripped up by that, on that line while sailing and I've also speared a board of mine while sailing in an area of Jordan Cove where some of this debris has been left behind by aquaculturists.

Aquaculture is a mess of cages and plastics. It means we have given up restoring our waterways and chose to raise seafood by artificial means rather than restoring the marine environment.

Aquaculturists on the Niantic River have already shown total disregard for our environment. It is a for-profit business. I have pictures of garbage, you know, from this last thing on the river. I have pictures of big tangles of plastic and debris washed up on beaches in the area. If you go out on Fisher's Island, it's full of debris washed up on the beach from fishing ventures.

The Long Island Sound Study has indicated this is a major form of killing our marine life and

tangling boats.

The other areas of concern. You've got three Millstone reactors right next to there. There's been Cobalt 60 found in the clam beds in Jordan Cove on the other side. What are you going to sell? You can't be selling clams to people if they have -- you know, have radiation in them. That needs to be cleaned up. That's a mess over there. You've got reactors right on the Sound pumping stuff in.

The other thing, they're planning on replacing the Niantic River bridge here in the next couple of years. The Army Corps should see to it that the tidal flushing into the river is increased because there's too many boats in there for the amount of water coming in and out of the water. I just got a copy from Amtrak. They're three plans don't help the river out as far as getting more water in there to flush the boats, you know, to flush the marine traffic out of there and create --

MODERATOR ROSENBERG: Thank you.

MR. SULLIVAN: -- a situation where we can -- where we can support marine life.

MODERATOR ROSENBERG: Thank you, sir.

Just a reminder to everybody -- thank you, sir.

We have a two-minute --

MR. SULLIVAN: Can I just -- may I say --

MODERATOR ROSENBERG: You may not, sir.

No, sir, you may not.

We will have two minutes for everybody.

I ask you to summarize your remarks. We will accept your remarks, if you have to summarize them. And we have a stenographer just outside the hall to give more lengthy statements. Please take advantage of that if you have much more to say.

Lea Doran? Ma'am?

MS. LEA DORAN: My name is Lea Doran.

I'm an area person, property owner. Many shellfish operations attempt to control bird --

A VOICE: Louder.

MS. DORAN: Okay. So, many shellfish operations attempt to control bird populations, especially those that attempt to prey on the aquaculture product. What is the proposed means of addressing this bird predation? Will lethal or non-lethal means be used? And what will the impacts be on critical populations of shore birds, i.e. the oyster catchers, various species of terns, so many of which are endangered, as well as other bird species?

How, also, will the sovereign immunity

concept be addressed? The Mohegan Tribe as a sovereign Indian tribal government recognized by the Federal Government has sovereign immunity. This means that a tribe cannot be sued unless it allows itself to be sued.

If some part or all of the proposed structure of Pine Island breaks loose and destroys someone's property, either boat, dock, seawall or other property, that person has no legal recourse unless the Tribe permits itself to be sued.

In addition, if, through the negligence, the Tribe discharges oil or other chemical pollutants into the waters of Pine Island, there is no legal recourse to seek reparations. This issue needs to be explored and the legal implications explicitly addressed and made available to the public.

I also have -- it is not possible to assess from the Mohegan proposal what the extent of boat traffic will be increased and what kind of noise will be generated, both duration and frequency. With the floating barge, it's like a 24-hour factory, I would assume. And I would be very concerned about noise, about lighting and about odor.

Thank you.

MODERATOR ROSENBERG: Thank you, Ma'am.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker is Peter Francis from Connecticut Department of Environmental Protection. And he will be followed by Inger Elliott from Stonington.

MR. PETER FRANCIS: Good evening. My name is Peter Francis and I represent the Department of Environmental Protection's Office of Long Island Sound Programs. Along with me tonight are my supervisor, Robin Bray, and the Assistant Director, Betsy Wingfield, from the Office of Long Island Sound Programs.

Because the DEP does not have direct permitting authority over a majority of the proposed activities, our role in this matter is to determine if the proposed activities are consistent with the State's federally approved Coastal Management Program.

In making this determination, we are required to evaluate the proposed activity's impact on a host of criteria, including navigation, recreation and environmental impacts.

As of tonight, the Department has not made a determination regarding the proposed work. We are here tonight to listen to the concerns of the public and to collect additional information.

In addition to tonight's forum, the Department is accepting written comments on the proposal

until July 9. For those of you who received this pink pamphlet entitled Mohegan Tribe Aquaculture Permit Application Public Hearing Information, on the back, on the bottom, you can find where the information to contact me and provide comments to the Department is located. Thank you for participating in this process.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

Next speaker, Inger Elliott from Stonington, and -

MS. INGER ELLIOTT: I live in Stonington. I'm Inger Elliott and I live approximately 200 feet from some -- can you hear me? Closer? Can you hear? Okay. I haven't started my two minutes yet.

I think we ought to call a spade a spade and not an aquacultural implement. The fact is that the Mohegans are proposing -- what they're proposing will have an adverse effect on hundreds of thousands of people up and down the coast and inland.

There will be a lot of discussion tonight specifically about fishing, about environment, about conventional recreational boating and fishing and so forth.

The upwellers will be noisy eyesores reminiscent of concentration camp barracks. They will

also destroy our water business and will cause a severe hazard in heavy water -- in heavy weather.

The onshore effect will be equally severe, with 18-wheelers pouring down the streets of an 18th century village.

I can understand how the Mohegans would benefit enormously. I mean they're hitting the jackpot if this were allowed to come through. But I can't see that anyone else or anyone in this room would benefit the slightest whatsoever. The Mohegans remind me --

(APPLAUSE)

MS. ELLIOTT: The Mohegans remind me of the railroad and oil barons of the 19th and early 20th century. The Mohegans' wealth, however, is built on poker, blackjack and slot machines. Let's not let them play roulette with us and our national heritage.

Thank you.

MODERATOR ROSENBERG: Thank you, Ma'am.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker is First Selectman Don Maranell from Stonington. And he will be followed by Sam Chase.

A VOICE: Mr. Monitor, could you please ask the people to try to get the mike because we can't hear in the back?

MODERATOR ROSENBERG: Yes, sir.

FIRST SELECTMAN MARANELL: I'm sure he won't have a problem with me.

MODERATOR ROSENBERG: Put your head and face right to the mike.

FIRST SELECTMAN MARANELL: The United States Navy taught me about command voice and how to make these things work. So we'll stay right there.

My name is Don Maranell. I'm the First Selectman of Stonington. And I have a few comments. The first we'll start with is that we're in favor of a successful project, a partnership with the Mohegans. But we have some concerns.

And the first I have is actually with process. And I guess this really goes towards the Army Corps of Engineers; is that my understanding is we had an application, an amended application and a presentation tonight that says, "Gee, we've changed it some more." The public has a right to review this and go through it.

So Item 12 on this gives the presiding officer the opportunity to suspend this and continue it on for a longer process. And I hope we have a chance that we get to review not the worst-case scenario but the best-case scenario from a standpoint of the public's

right to review and to comment is based on what's going to be approved, not from an original application that's much larger. Because my understanding is that the Corps will be looking at the original application even though it's been represented. So I hope we could take a hard look at that and make sure that, when it's all said and done, we all feel that we were heard and it was a fair process. Even if we don't get our concerns addressed, we at least want to make sure that they were heard.

Next I would say the upweller is a big concern of mine. We have to determine whether they're a vessel or a building. You get conflicting reports from the Coast Guard and from the Corps and from anybody you talk to. That determination affects FEMA rules and project impact and the ability of the town in how it deals with insurance issues with floods.

It also has a large sail effect. If you look at the present design, if you hit about 20 knots, you're not moving that anywhere. And we're just taking up billions of dollars of fishing vessels -- or fishing vessels and recreational vessels in Stonington harbor, in the three harbors.

Next, I hope you pay very close attention to our fishermen, lobstermen, so that they won't be penalized as we move some of this stuff around in this

project. Recreational boats and the fishermen impacts are paramount in this. You know, it's -- we have free use of -- the public use of the water. And we don't want to lose this through this process and keep them away.

So, in closing, I just think we have to make sure that this is a process that everybody feels comfortable and there isn't a perception that something was ramrodded through southeastern Connecticut.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, Sam Chase. He'll be followed by Tom -- it looks like S-k-r-m-e-t-t-i from the Groton Town Council.

Sir?

MR. SAM CHASE: Okay. My name is Sam Chase. And I'm the Commodore of Shennecosett Yacht Club, representing approximately 400 families. The first area of concern is the area located north of Pine Island Bay in Site 2. The revised proposal indicates that in one year, in year one, three acres will be used and increased to 4.3 in year five. No mention about how it will expand after that time.

The northerly boundary line for the

aquaculture proposal passes through two mooring areas, one administered by Shennecosett, the second by the Groton Harbormaster. Based on examination of the charts, there appear to be four Shennecosett moorings, 20 public moorings and two transient moorings that are in jeopardy.

Since the aquaculture proposal is not a traditional shellfishing operation, the two uses cannot co-exist in the same area. Hence, it appears the moorings will have to be eliminated if this proposal is granted.

What becomes of the displaced moorings? And how are the people who have enjoyed these mooring locations to be accommodated? Reference to two transient moorings Shennecosett installed under direction of DEP and Army Corps as part of our '98 dock expansion project. Will they be eliminated or relocated? If relocated, what additional mooring locations will be lost to accommodate these?

It's indicated in the proposal that a floating upweller is to be located in the protected area of Pine Island Bay close to the island. The size of this unit is of some concern. When we learned that the unit was to be equipped with a diesel engine providing a generator for lighting and daily operations, our

concerns increased significantly.

It's very difficult to picture a structure like the upweller being located in Pine Island Bay.

The second area within Pine Island -- within Site 2 is located south of the island. Although reduced in scope, there is no mention as to how it will expand over time. This location does limit activity to the area for just service transients. With an underwater maze of cables, trays and cages, this is a trap just waiting for a boater dropping anchor or a fisherman dropping a line. How will this area be marked to indicate the hazard?

MODERATOR ROSENBERG: Thank you, sir.
Thank you.

(APPLAUSE)

MODERATOR ROSENBERG: Sir, would you please pronounce your name for the record? Right into that microphone.

MR. TOM SKROMETTI: My name is Tom Skrometti. I'm a Groton Town Councilor. I'd like to go on record -- my name is Tom Skrometti. I'm a Groton Town Councilor. I'd like to go on record as being strongly opposed --

A VOICE: Can't hear.

MR. SKROMETTI: I'm very strongly opposed to the proposal as currently written. I think we've got basically an intrusion on the rights of the citizens of the coastal community for little or not benefit back to them.

You went through a list earlier, Mr. Rosenberg, of the criteria that you were going to use to evaluate this proposal. I captured quite a few of the 12 comments. It was navigation, recreation, economic development, food production and the environment. And as you were ticking off the criteria, I was trying to do my own assessment of what the project was going to provide.

The only category that you really find this proposal satisfying is the food production. And the 230 acres is going to make a very small contribution to the food production that is required to solve any of the world needs. But it does, in fact, severely limit the access to boaters to the Pine Island and the Mystic River, areas which I'm very familiar with.

The local shell -- we already have --

A VOICE: Speak up.

MR. SKROMETTI: We already have local shellfish conditions and we do have a very strong economic shellfishing community in the areas. They're

much gentler to the environment. They're much gentler to the impact on the citizens. There's very little impact and no restrictions to the boaters, to the rights of the boaters to the access to the waters.

Again, I'd just like to strongly urge you to disapprove the proposal as is and to leave the rights of the coastal citizens unabridged.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Marie Wylie. And she'll be followed by Andrew Maynard from Borough of Stonington.

And if -- Sally, if you could see if we can get the PA turned up?

MS. MARIE WYLIE: And I'll try and speak loud. All right. Hi, everybody. I'm Marie Wylie. I'm from Ledyard. I have a couple of questions that I'm hoping that, through these questions, that we'll all get answers to our questions as best that could be published so that we could see what the answers are.

Starting with the proposed numbers of acres you cited that were reduced from the initial proposal, ultimately will they be reintroduced at a later date? Meaning you're telling us now what's going

on. Will it -- two months from now when this goes through, will those acreage be reintroduced?

Secondly, who exactly is in charge and will care for these, for the upkeep of these fixtures? What is the schedule and what assurances do we have that, when a problem arises with these fixtures, that it will be addressed in a timely response?

Also, I had a question concerning Mr. Maugle as far as when he was involved with the Noank hatchery and how his association was reduced due to the fact apparently of his stance, which was basically "People learn to deal with whatever we put out there." And I have a problem with that as far as confidence goes as to how this is being addressed.

And lastly, but this is actually a really good idea. We're just all kind of wondering as far as why wasn't -- why weren't these areas put somewhere further out where they're not impeding one of the most heavily traversed areas on the East Coast? That's really important for all the recreational and people who have to navigate these waters.

And finally, what assurances do we have tonight that what's up on the chart is actually going to take place? I only need to remind everybody of Amtrak's proposals of those slender poles a hundred miles apart

that are now this big.

So those are just really concerns that the public has a problem with when dealing with the government and so forth to know that, you know, you guys are going to follow through on our behalf. All right?

And so I would say in closing that until all these and other questions are addressed, I feel this permit should not be granted.

Thank you.

MODERATOR ROSENBERG: Thank you, Ma'am.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Andrew Maynard from the Borough of Stonington. And he will be followed by Kathleen Jacques.

Sir?

MR. ANDREW MAYNARD: Thank you. As the Warden of the Borough of Stonington, I'm here to speak to the concerns of residents of the host community. We were grateful last December to have received a presentation from Dr. Maugle. However, since that time, a number of issues and questions have arisen, many of which have been stated tonight. So, for the record, I'll just be very brief.

We're very concerned about safety, regarding the size and bulk of the upwellers. I think

that's been addressed thoroughly. I would just add our concern to that. Local property owners adjoining the property certainly want assurances that in storm conditions there is a plan in place to address the removal of those or the securing of those structures.

Again, there's a question about whether they constitute vessels or structures. We'd be very eager to hear what the ruling is and the distinction is on that.

I'm also very concerned about the impact on existing commercial and recreational fishing. Obviously, these are areas, some of them not necessarily directly off of Stonington but in other area, some of the prime recreational fishing areas will be heavily impacted.

And I would urge that the Corps simply extend this comment period so that we can get some clarification on all these issues.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Kathleen J-a--

MS. KATHLEEN JAKES: Jakes.

MODERATOR ROSENBERG: Jakes. Thank you.

And you'll be followed by Dave Walker from Groton/Long

Point Harbormaster.

MS. KATHLEEN JAKES: My name is Kathleen Jakes. And I came to, one, to voice my opinion that this is a tremendous effort on the part of the Mohegan Tribe to create an industry and a renewable resource for the state of Connecticut.

And I want to reassure this crowd here that the Department of Environmental Protection does its job. My husband has been involved in shellfishing. And your scrutiny and your oversight is very diligent. And I'm sure that any questions or fears that these people have will be addressed. And I want to encourage politicians who are listening to these fears to be educated, to become better educated and to help the public to understand the benefits that can be provided by this initiative.

Everybody is afraid of change. How do you think the Indians felt when they got moved to a reservation? You know? Come on.

(BOOS)

MS. WYLIE: Hey.

You're concerned now because you feel an encroachment on your territory. But this is a cooperative effort. And the fact that 500 people come into a room to be involved is exactly the positive

aspect here. You should all be involved in making sure that it works well for everyone, for the Indians, for the recreational boaters, for the fisherman, for the Sound.

And I'm sure the Department of Environmental Protection is going to see that that happens. And I'm sure there's enough people in this room or I have faith that they have come to listen and to learn and that this process is just beginning now and you will help them in this direction and not discourage this proposal.

Thank you.

MODERATOR ROSENBERG: Thank you, Ma'am.

(APPLAUSE)

MODERATOR ROSENBERG: Ladies and gentlemen, I ask -- ladies and gentlemen, I ask that we continue to follow just one simple rule tonight. Be polite. Please do not interrupt any of the speakers, whether they represent your point of view or a point of view that differs from you.

I certainly believe that everyone here has the right to express his or her opinion. So please let's conduct this session in an orderly fashion so all in attendance will have an opportunity to express themselves freely, without the fear of being belittled

by those who do not agree with those opinions.

Thank you.

Our next speaker, Dave Walker, the Harbormaster from Groton/Long Point, who will be followed by Kip W-i-k -- it looks like e-r-s or e-u-s.

Sir?

MR. DAVE WALKER: Good evening. My name is Dave Walker. I'm from Groton/Long Point. And I'd like to thank Dr. Maugle for his presentation regarding this commercial operation and also thank the ACOE for holding the hearing

I'm not opposed to new technology. But I am in favor of the traditional shellfish methods used primarily using the bottom. I think the issue here is the top 20 or 30 feet of the water column. I think that free water makes this operation a financially viable operation.

I would suggest that perhaps we -- to maintain our current and traditional status and uses of the water, that perhaps we find a way to transport the top 20 feet of the water column up to the Reservation and go from there.

I think the issue regarding fixed and floating structures is essentially important, at least to me. Within the public trust area, the public rights

include fishing, boating, hunting, bathing, taking shellfish, gathering seaweed, cutting sedge and passing and repassing, as in Orange vs. Rednick, 95 Conn. 573 in 1920.

I would suggest or state that any new or additional fixed or floating structures will, in fact, diminish my public rights to fish on, near, over those structures.

Thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Kip Wilkers will be followed by K.W. S-t-e-e-i-e?

MR. KIP WILEY: It's actually Kip Wiley, W-i-l-e-y. And my main concern here, as I'm sure a lot of the people have, is the lack of water that we have in Fisher's Island Sound that's navigable.

There's no room for any shallow spots in Fisher's Island Sound. We all know what it's like to hit the bottom. And what we don't need is more stuff floating in our way. The navigable waters of Fisher's Island are few and far between. If we can put some of these floating longlines and stuff in closer to shore or in areas where boats can't go, I'm sure we're more than happy to share the Sound with whoever wants to get out

there. The biggest problem is not hitting something when you're out in your boat.

Thanks.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Sir, could you please say your name and spell your last name for the record?

MR. KEN STEER: I'm Ken Steer. Steer. Okay? Steer.

MODERATOR ROSENBERG: Thank you, sir.

MR. STEER: Pardon my -- I seek your pardon for my hoarse voice. I hope you can all hear me in the rear.

I'm Ken Steer. I live at 144 East Shore Avenue, Groton/Long Point. And I'm a member of the Groton Harbor Commission, which I am representing here tonight. My remarks will specifically address the area and purview of Site 3, Section 525.

Before I speak to this, I want to mention that I have sailed these waters for over 50 years. My wife's family has sailed on these waters for over 100 years, starting with her great-grandfather, Captain William Brewer, and continuing for seven generations.

The Groton Harbor Commission considers

safety for all boaters, commercial, recreational and military, as the most important issue here tonight. The proposal to establish submerged longlines, 650 feet, plus surface buoys -- I realize the latest proposal changed that somewhat -- as indicated in this proposal can slow and can stop various stops of boats. And if they do stop the boats, they will cause damage to the boats and very possibly to the passengers.

Remember that when you are in an accident on the highway, you can always step out on the ground. If you are in an accident in a boat, you sink.

There are many marinas, ten large marinas in this area. In Noank Harbor alone there are 470 boat yard moorings and 477 private moorings. I am submitting pictures that clearly show from the air the tremendous number of recreational boats at various marinas up to the railroad bridge in Mystic.

There has been no mention in this proposal of weather conditions which will increase the danger proposed by submerged longline systems.

MODERATOR ROSENBERG: Thank you, sir.

MR. STEER: I'm done.

MODERATOR ROSENBERG: Yes, sir. Thank you, sir. Please make sure that we get a copy of your entire statement.

MR. STEER: I will. And we think it should be completely eliminated, denied in its entirety.

MODERATOR ROSENBERG: Thank you.

Our next speaker --

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Cornelio Reis, R-e-i-s, from Stonington, who will be followed by Louis Allen from Mystic.

MS. CORNELIA REIS: Hello. My name is Cornelia Reis and I am a homeowner --

A VOICE: Can't hear.

MS. REIS: I'm a homeowner on Water Street in Stonington. And I just -- as a matter of public interest, I would really like to know which politicians the Mohegans have given contributions to and how much money they have given.

That's all I have to say.

(APPLAUSE)

MODERATOR ROSENBERG: Thank you, Ma'am.

Our next speaker, Louis Allen, who will be followed by David B-e-d-n-a-r-z, I believe.

Sir?

MR. LOUIS ALLEN: My name is Louie Allen. I'm speaking as the Vice Chairman of the Mystic Harbor Management Commission. I would like to speak to the

notion that the revised May proposal is a reduction in scope from the original March one.

There are serious inconsistencies with comparing the usage of acres in the two proposals. I spent quite a few hours doing a careful analysis of March and May. If I've got something wrong, I'll be glad to sit down and review the numbers. But what I can tell is this: The May proposals do not include the bottom cage areas listed in the details for three sites. That's why it says 6601 in the next revision to the proposal.

If you add the 48 acres to 183, you get to 232, which is on the new handout, versus 265. This is only a 12-percent reduction. And so it's not 25 percent at all.

When we compare the maps with the tables, David's Trust site shows 16 and 32 acres, not 15 and 21 in the table. So there's 12 more acres. That makes it a decrease of only eight percent.

We then look at the overall reductions to see they drop the bottom cages off of Groton/Long Point. You make an assumption about the ratio between submerged longlines and bottom cages. There are about 75 acres of bottom cages that are dropped out with the latest numbers. And that's an easy reduction. And I

don't think anybody should get credit for saying "We reduced the whole proposal" just by dropping out Groton/Long Point bottom cages.

It's also important to evaluate changes in acres. If you look at the two methods and try to break it out, you will find that the bottom cages go down 46 percent. Yes. Floating ADPI bags go up 75 percent. Submerged lines go up nine percent. Floating longlines go up 58 percent. Now, that doesn't strike me as much of a reduction.

So I think that the May proposal is very similar to the March proposal. Since the March proposal was withdrawn, I recommend that the May proposal be withdrawn also and a totally new one with right numbers that match the maps be submitted and we start all over again.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MR. DAVID BEDNARZ: My name is David Bednarz. I'm speaking tonight as a private citizen. But I have taught science and teach part-time in oceanology for the last ten years.

I wanted to address the improvement of water quality by the decrease of nitrogen by the oysters. There's a nice graphic up there showing that

50 percent of the nitrogen input to Narragansett Bay is removed by benthic denitrification. The majority of this, you must know, is by bacteria. A very insignificant amount is from the shellfish. They quote 16 grams of nitrogen taken out per kilogram of tissue. But, remember, these are animals that are going to then put nitrogen back into the water through feces and pseudofeces, five grams per kilogram of tissue.

In addition, the longlines -- okay? -- are a fairly -- from what I've understood, a fairly static thing. The tension is held on that line. The surface is dynamic. If you have a wave that's three to four feet high, you will also have a trough that is three to four feet low. And so no longer are you ten feet below mean low water if you're out in any sort of wave action.

They also mention on the graphic about fitoplankton filtration, making it like it's a good thing because fitoplankton blooms ultimately lead to hypoxia from over-- from too much nutrient. Well, if the oysters are pulling out too much fitoplankton to help the water, well, what's eating those fitoplankton, the zooplankton, the larval stages of crabs and fish? Well, if they're pulling out so much and it's so good for lowering the hypoxia problem, what are they doing to

the larval lobsters? You can't have it both ways. Either it's really not that good and it's just up there as a graphic to impress us or it's insignificant.

The essential fish habitat, numbers of acres impacted. The original proposal I read was up to 400-plus acres. You know, that's breeding ground for all the commercial species of fish that our economy counts on. Now, has that been changed?

MODERATOR ROSENBERG: Thank you, sir.

MR. BEDNARZ: Thank you.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, David Carrow from Mystic, who will be followed by Allen Jacques from Waterford.

MR. DAVID CARROW: I'm David Carrow, Chairman of the Mystic Harbor Commission. I have a letter that focuses on the access --

A VOICE: Can't hear you.

MR. CARROW: I have a letter which focuses on the access to our jurisdiction in the Mystic River. It's to the Army Engineers. The main access to the Mystic River between Groton/Long Point and the Fowler area west of Ram Island is being considered by Lease No. 525, which cuts off the navigational waterway.

The March 20 Public Notice essentially

provided Sketches 3 and 6 of this lease and the narrative identified 10 acres of submerged longlines and bottom cages and expanding to 100 acres by year five.

If we look at the May 22 Public Notice, we notice that it also contains in its matrix a revision that indicates slightly different numbers. Now, this data does not communicate what is totally intended. But it is very clear that navigational access to the Mystic River is being compromised.

The summer boating activity is high and it's increasingly steadily. Any obstruction to this fairway, whether it be on the surface, in the water column or on the bottom cannot be tolerated.

Emergencies, such as engine failures, capsizings and other unexpected operational problems do happen. They must not be exacerbated by entanglements.

With the responsibility for administering the Mystic Harbor Management Plan authorized in May 1995, the Mystic Harbor Commission cannot accept a restriction of navigational access to the area under our jurisdiction.

On Page 35 of this DEP-approved plan, Section 8, Obstruction of Channels, Fair Waters -- this is part of the regulatory ordinance. It states, and I quote, "No vessel shall be moored, anchored or berthed

so as to interfere with the free and unobstructed use of the channels, sailways and spaces."

MODERATOR ROSENBERG: Thank you.

MR. CARROW: Thank you very much.

MODERATOR ROSENBERG: Thank you.

(APPLAUSE)

MODERATOR ROSENBERG: Allen Jacques will be followed by Steven Dinsmore from East Lyme.

MR. ALLEN JACQUES: Good evening, everyone. I hope you can hear me.

A VOICE: Louder.

MR. JACQUES: I'm obviously in the minority here tonight as so many of you seem to be opposed to this for so many various reasons. I'm here to support this operation wholeheartedly. And I'm going to give you a list of reasons why.

First, I believe the proposal is very well thought out and, having gone through similar type procedures with the DEP in my own operation -- I'm a local shellfish farmer -- I know that the DEP and the Army Corps of Engineers are extremely thorough in what they're doing on your behalf.

I've known Dr. Paul Maugle for over 10 years. I know him to be a very intelligent, smart, upstanding gentleman who has put together one hell of a

plan that's going to benefit the entire southeastern Connecticut.

I believe the proposed project will have little impact on the recreational and commercial fishing and boating activities in the area. When you compare the amount of area that this operation will use, it's minuscule, minuscule, compared to the amount of area that's out there in the Sound. There must be millions of acres available for the recreational people to sail on or the commercial people to drag.

I also believe that the Tribe has demonstrated that they're very willing to work with the public, which is very good for all of us.

I believe there are several economic and environmental benefits to be realized from the project.

Among them are, when fully operational, there will be over a million-dollar payroll, with 25 to 30 people put back into employment and which will help reverse the trend of the employment in the fishing industry. I mean someone spoke earlier and said the last remaining fishing fleet is in Stonington. Well, how can people oppose -- how can people support fishing fleets that plunder the ocean and take and don't return anything when we have here a chance to start an environmentally sound, sustainable fishery that will put fish stock and

shellfish stock back into the environment?

MODERATOR ROSENBERG: Thank you, sir.

MR. JACQUES: That was it?

MODERATOR ROSENBERG: That's it.

MR. JACQUES: Well, I'll just have to submit this then. Thank you.

MODERATOR ROSENBERG: Yes, sir. Thank you.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker is Steven Dinsmore, who will be followed John Riley from West Hartford.

MR. STEVEN DINSMORE: My name is Steven Dinsmore. I'm here on behalf of the East Lyme Harbor Management and Shellfish Commission. We'd like to submit a letter for the public record. This is in response to, of course, the March 20, 2001 Public Notice regarding a commercial aquaculture operation on several parcels, including one in Niantic Bay, East Lyme.

The East Lyme Harbor Management and Shellfish Commission was established by Town Ordinance in 1987 and authorized to carry out all of the powers and duties granted to Harbor Management Commissions by the Connecticut Harbor Management Act in 1984.

Over the past several years, the East

Lyme Harbor Management and Shellfish Commission has worked very hard to reopen a number of shellfish areas in our local waters for commercial and recreational shellfishing. At present, the Commission manages recreational shellfish resources in two conditionally approved areas and one approved area. In addition, the Commission has also granted five commercial shellfishing designations, totaling more than 500 acres.

Commercial shellfishing in the designated areas is regulated according to the guidelines in the East Lyme Shellfish Commission Plan and is consistent with the goals and objective policies contained in the East Lyme Harbor Management Plan.

At our regular meeting of January 16, 2001, Dr. Maugle, on behalf of the Mohegan Tribe, presented a proposal to rear shellfish in the waters under our jurisdiction. Dr. Maugle's proposal indicated rearing systems would consist of a combination of longlines and bottom cages and a clam seed nursery, initially 10 acres, expanding to 50 acres within five years.

This proposal also indicated that the area would periodically be dredged to harvest shellfish that escape rearing chambers or set naturally.

In general, the Commission members were

supportive of Dr. Maugle's proposal, provided that the various growth facilities and aquaculture activities did not interfere with the established designated use in the area.

The Commission also suggested that Dr. Maugle consult with and obtain the necessary authorizations and permits through this office. While the proposal described in the USCA proposal is similar to the one presented to the East Lyme Harbor Management Commission, the area --

MODERATOR ROSENBERG: Thank you, sir.
Please submit the entire statement for the record.

Our next speaker, John Riley from West Hartford, who will be followed by Robert Austin LaFrance from Groton.

Sir?

MR. JOHN RILEY: Good evening. My name is John Riley. I have a boat in Pine Island Bay, a mooring that I've had since 1984. I really -- my primary concern, obviously, is Pine Island Bay and the adverse effect that the proposal will have on the moorings and the mooring field for which we have a permit from the Army Corps of Engineers. And I don't see any real benefit to the general public or the recreational boaters in the area at all.

I'm, obviously, opposed to the use of Pine Island Bay for this particular operation. The upweller structure is a great threat to boating, particular in adverse weather. And you can have the biggest anchors in the world; when Mother Nature gets angry, we're in jeopardy.

I, again, speak in opposition to this.
Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, Robert Austin LaFrance from Groton, who will be followed by I believe it's Dennis Neumann from Stonington.

Sir?

MR. ROBERT AUSTIN LaFRANCE: Good evening. My name is Robert Austin LaFrance and I'm speaking on behalf of the City of Groton Harbor Management Commission, who has gone on record as unanimously opposing the proposal at present.

We find significant portions of the proposal, in our estimation, are inconsistent with coastal zone management policies and traditionally established concepts of use and access. They are inconsistent and presently unacceptable encumbrances to both recreational and commercial use and access of the

affected areas in that they would pose multiple and substantial hazards to navigation.

A VOICE: Speak up.

MR. ROBERT AUSTIN LaFRANCE: In general, the proposal is fraught with substantive errors regarding location and dispersement of material, with use descriptions of such a vague and non-specific nature as to lead to interpretation in almost any fashion desired, with multiple omissions of necessary and/or desired information which would be required to assess the overall impact or merit of the proposal.

Given the scope of the proposal and the lack of accompanying specifics, assessments of its merit are nearly impossible. The proposal is woefully lacking in any scientific or statistical data supporting the Tribe's claims of minimal impact to the marine and/or coastal environments.

Specific to our interests are the nursery and upwellers located in Pine Island Bay. Aside from the visual pollution of the mooring of the upweller in the proposed location, the Tribe has failed to mention anything about the power plant these upwellers will use and they've given no information as to the hours of operation or noise levels.

Portions of the proposed nursery area lie

within a traditionally recognized mooring grid and navigational access routes to the waters off Bluff Point and Fisher's Island Sound.

The proposed locations represent an encumbrance to boaters and a serious hazard to navigation. They would also substantially reduce the number of safe harbor mooring spaces in a region where safe anchorage areas are a precious commodity.

I'd like to add that these leases are active and -- I'm sorry. The leases -- ah, we'll leave it at that. I'll submit it.

MODERATOR ROSENBERG: Thank you, sir.

MR. ROBERT AUSTIN LaFRANCE: Thank you.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Dennis Neumann from Stonington, to be followed by Bernard F-a-g-e-r or F-a-f-a-e-r.

Sir?

MR. DENNIS NEUMANN: Good evening. My name is Dennis Neumann. I live on the wharf north of the proposed location of the upwellers where they will be docked. And I'm very concerned. I'm feeling like this is really Russian Roulette. And the reason is I can't even sue the Indians, I guess.

My concern is the two upwellers, the size

of the existing building on the Garbo or formerly Garbo property. The windage on those is enormous. I had a sailboat and I know the force of the wind. This structure is going to have a lot more area than my sailboat. And they're going to try to push these around. I feel it's very dangerous.

I talked to Paul earlier about the design of these structures. And they had to be built this way because we have to be able to work in them.

And my feeling is that they don't necessarily have to be built that way, if they're going to be there. I wish they wouldn't be there. I feel as though they should be built in a different fashion. And I think some engineering could be done and this could be achieved.

You could build a barge which is much lower and have a movable house to work in on it. Maybe have 20 percent of the area of that structure.

If they try to move these upwellers in the existing format, it's going to be very difficult for them in any windy situation. And my concerns are that I'm the next thing north and my little house might be gone. And I can't sue.

Thank you very much. And I am against approval of this proposal as presented. Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Bernard Farber or Farfer, Niantic, Connecticut?

Bill Cannon, West Mystic, Connecticut, who will be followed by Ray Rafferty from Mystic.

MR. BILL CANNON: I'm Bill Cannon from West Mystic. I'd like to thank you for the opportunity to comment. I have submitted extensive written comments. But I would like to summarize some things tonight.

First, the current leaseholders -- lease held by the Mohegans allows them to shellfish on the bottom. The only thing this permit adds is the addition of increased production; therefore, increased profits to the Mohegan Tribe.

I don't see how this proposal as written is in the public interest. First, the location for recreational boaters could not be worse. The entries to the four major boating/mooring locations in the prime boating area in southeastern Connecticut is right where they're at. Remove them from this area to near shore like the fish nets.

Secondly, there is not enough information in the proposal to do a proper evaluation. Take the

submerged longlines. Two buoys 850 feet apart somehow supporting floating nets in between, in rows, not -- unspecified how far apart. But just think about this; every 850 feet there's a buoy and a line of buoys going down the whole area in a straight line or staggered or something. We don't know.

I would be curious to know how the submerged longline is kept 10 feet below the water surface since it has to have positive buoyancy at the beginning to withstand the increase in weight of the oysters as they grow.

I'd also like to point out that there were months and months of negotiation between Amtrak and the local boating industry on access and restricted access when the bridges were being closed by Amtrak. And I see nothing like this happening here. This is a severe impact on us as boaters and we've got to get some time to talk about it.

The administrative errors in the proposal appalls me. The 3/20 proposal listed coordinates for six lease areas, three of which appear to be erroneous, including one that's run 47 miles from Stonington to Cape Cod. The new 5/20 proposal modifies the used area in five locations, each of which has a portion that is outside, outside of their leased areas as listed in the

3/20 proposal.

I just don't see how this can be held together here. We all recognize the impact of what happened when 800 acres became 1600 acres due to a lack of administrative accuracy in another Federal action relating to Indian tribes.

Quoting from an internal Corps of Engineers document, "The U.S. Army Corps of Engineers has a duty to consider continued enjoyment and maximum sustained use by the public of lands and waters, to prevent conflicts between uses, to prevent visual and physical encroachment, to optimize recreation, fish and wildlife benefits." Nowhere does the Corps have a duty to maximize the profit of any body.

I would suggest that this proposal be taken back, corrected, fixed, adequately disclosed so we understand what's going to be put in our waters or is proposed to be put in our waters before any further action is taken.

Thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Ray Rafferty from Mystic, will be followed by Lawrence Bentley from Groton.

MR. RAY RAFFERTY: Good evening. My name is Ray Rafferty. I'm with the Town of Groton Conservation Commission. And I would like to represent a few of their concerns they have on this current proposal.

Number one, in the north area of Pine Island we are very much concerned about the four proposed acres of intense surface floating cages in an area that currently right now is greatly utilized by recreational boaters, mooring fields, recreational fishermen; that it's an intense use currently. And they find that use of the surface floating cages would be a direct interference with their activities.

Number two, at the south side of Pine Island, Mystic River and off of Ram Island, also we're very much concerned about the number of buoys that would be necessary at the surface in order to support the intense use of suspended cages and consider that as a navigational hazard and would think that 10 feet is not deep enough but, rather, should recommend at least 15 feet or more.

The third and final is that within this whole Army Corps proposal at no point did I see where anyone would say anything about picking up the gear after a storm. What -- who would pick it up and in what

timely fashion would that be required? Or would it be just left there? And I don't see -- I see a proposal going ahead for this, but I don't see any follow-up in a case of damage. And that's a question on the floor.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Lawrence Bentley from Groton, followed by Bernard Farber, East Lyme Shellfish Commission.

MR. LAWRENCE BENTLEY: My name is Lawrence Bentley. I've presented my comments, plus exhibits. My comments are based on the Public Notice, not on the information that's here tonight. The application has been changed drastically because of lacking information that the public was unable to make a decision on what was proposed.

I still have to hear what kind of shellfish they are.

A VOICE: Speak up.

MR. BENTLEY: There's no definition any place. A shellfish could be a lobster, a shrimp. Dr. Maugle's Website shows his expertise is in shrimp raising, not oysters or clams.

The details on the plans are very

lacking. On the sections, nothing is spelled out as to what all the things are. I thought the State of Connecticut outlawed exposed styrofoam years ago. If you look at typical Section D, it's also supported with exposed styrofoam held together with plastic wraps. One good storm will wipe that right out.

The upwellers are as big as from that column to the front of the room this way and higher than this room. Those are vessels. In Stonington, according to Sheet 1, they're moored with 40 piles. The application shows a mooring of 40 piles for each upweller. What are you going to put in Pine Island Bay or at the Pawcatuck River to hold those things? The windage and the waves on those and the wave picture that I've submitted that shows the waves in Pine Island Bay -- if you try to anchor it with fluke anchors -- I don't know what they are. They're going to float right up onto Jupiter Point and damage everything.

The worst part is the permitted moorings that are going to be removed. The applicant has presented a plan that shows the 10-foot contour of Pine Island and not the shoreline. He has represented that there's more water space between the shoreline and the lease line. One of the exhibits is an accurate plot of the lease line. It shows that there's going to be 17

moorings taken out. There's only 13 acres there to put in five acres and there's nothing but rock in the other area.

MODERATOR ROSENBERG: Thank you, sir.
thank you very much.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker,
Bernard Farber, East Lyme Shellfish Commission.

Harlen Fredrickson from Connecticut Bay
Yacht Club?

MR. HARLEN FREDERICKSON: I'm Harlen
Fredrickson. I've sailed, fished and clammed in the
Niantic Bay area for some 30 years. I'm also a member
of the Board of Governors of the Niantic Bay Yacht Club
and we represent 300-plus families in voicing our
concerns over this proposal.

The Yacht Club is a sailing and
educational club. For 60 years, our function and our
mission have been based completely on having open use of
the waters in the Niantic Bay area.

We run a summer sailing school for
youngsters. We also hold sailboat races throughout
Niantic Bay for local people on evenings and weekends,
as well as people from throughout the nation. And those
events are all open for public participation.

The Niantic Bay area is a very crowded area. There's probably a thousand boats that make their home in that area. The people up the river traverse that area regularly in going to other parts of Long Island Sound.

We've been able to co-exist with the existing Sullivan fish weir. However, we would voice strong objection to anything in the proposal that would have a greater impact on the bay than that current fish weir. And by impact, we wouldn't mean just area, but boat traffic, sound, pollution, odor, so on and so forth.

We learned tonight that the lines in that area would be only three feet below the surface. They would also be within the lease area but outside of the existing fish weir. That would compress the bay. That would pack all of the boats into a smaller area. We see that as a significant safety issue, in general. Very specifically, for our educational programs, it would force young kids in small boats further out into the bay, putting them in open water and also in the heavier traffic areas of other boats.

We believe any activity that restricts the shared use of the bay or otherwise makes it less attractive is an aesthetic and economic loss to the

Niantic Bay area.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: The next speaker, Neil O'Connell from Mystic, who will be followed by Jed Horwitz, Bridgeport.

MR. NEIL O'CONNELL: I'm Neil O'Connell.

I'm a resident of Mystic and I'm a citizen. I'm not anything special. I was going to start off being quite apologetic because I was unable to gather enough facts to really feel comfortable with what was being said. Now I know that it wasn't all me. There are a lot of facts missing.

If this -- I don't believe this was done intentionally. And that really scares me.

We moved here and retired to this area 13 years ago after 25 years of boating down in this area because it was so beautiful. I don't think the upwellers are going to be beautiful. I don't even think all the floats out there are going to be beautiful.

I'm also very much concerned with navigation and with probably long-term -- if this is a very profitable venture, I'm not worried about what will happen in five years; ten, fifteen, twenty, it's just going to expand and expand and expand. We'll see

nothing but buoys out in Fisher's Island Sound.

Thank you.

(APPLAUSE)

MODERATOR ROSENBERG: Thank you, sir.

Next speaker, Jed Horwitz from Bridgeport, who will be followed by Steve C-i-c-o-r-i-a from Groton.

Sir?

MR. JED HORWITT: Good evening. My name is Jed Horwitt, H-o-r-w-i-t-t. And I'm here representing the Coastal Conservation Association of Connecticut. CCA is a national non-profit organization with over 75,000 members nationwide and over a thousand members in Connecticut. Our mission is to protect and enhance fisheries and coastal resources for the benefit of the public.

CCA has grave concerns that this project will damage fish and fish habitats and, even more clearly, eliminate access to prime fishing grounds by recreational anglers.

Sub-surface positioning of acres of gear presents serious problems for trawling and drift bottom fishing no matter how far they are placed below the surface. It also creates safety concerns.

CCA believes a permit to allow this type

of massive elimination of a public resource for a single commercial user violates both Connecticut's public trust doctrine and the National Environmental Protection Act.

Significantly, NEPA requires the Corps to consider less harmful alternatives before issuing such a permit. Non-invasive alternatives to this proposal certainly exist. Connecticut's anglers and oyster farmers have been harmoniously co-existing for a long time under the traditional bottom seeding and dragging regime.

The Mohegan Tribe has leased and controls the bottom, not the water column. In CCA's view, they should not be permitted by the Army Corps to deprive the public of such an important resource for the benefit of a single commercial user.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MR. STEVE CICORIA: My name is Steve Cicoria. I'm Vice President of Connecticut/Rhode Island Coastal Fly Fishers.

A VOICE: Speak up.

MR. CICORIA: Okay.

A VOICE: You've got to yell into it there.

MR. CICORIA: Connecticut/Rhode Island Coastal Fly Fishers is a saltwater fly-fishing club which consists of approximately 300 members located primarily in southeast Connecticut and Rhode Island.

As Vice President, I've been authorized to submit this statement which opposes the currently revised aquaculture plan proposed by the Mohegan Tribe.

Although the updated plan indicates less of an impact than the original plan for the near term, there is no guarantee that the Tribe will not expand the venture within the leased areas in the future once they establish a foothold.

The areas leased by the Tribe are subject to extensive recreational boating and fishing by the public. A project of the magnitude proposed by the Tribe in both in the near term and in the future will be contrary to recreational usage and, therefore, should not be supported by the public, towns, City of Groton, State of Connecticut or the Federal Government.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Rick -- it looks like G-r-l-u-i-s or I-r-o-l-u-i-s from Groton that lives on Beach Road. And Rick will be

followed by Bill Griffin from Stonington.

Could you please say and spell your name please?

MR. RICK CROLIUS: Rick Crolius, Groton. C-r-o-l-i-u-s. There's just a couple of questions I have. The Army Corps of Engineers, as I understand, is involved. But my understanding is that the towns lease shellfish beds from point of land to point of land, not the State.

Who else was aware that these leases were available? All of a sudden, we find out that they've been awarded. Some newspaper should look into that.

The issue of trust is what we're talking about here. And it sounds like, listening to these people, that there's a lack of trust. And the Mohegans -- whether the Mohegans will play by the rules or not -- and local recent history has shown us to be wary.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: The next speaker, Bill Griffin from Stonington, followed by Ray Mann from Groton/Long Point.

MR. BILL GRIFFIN: Good evening. My name is Bill Griffin. I'm the owner of property at 60, 66

and 68 Water Street in Stonington. And I am the immediate abutter to the Mohegan property in Stonington.

I'd first like to say that this is a very impressive group. Your power, I believe tonight, will have an impact on the Tribe. And I urge you, after getting better information tonight, to write to the Tribe and let them know specifically your objections. I do think that it will have impact. And I certainly hope that it will have impact.

Now, I have certain concerns about this project as they relate to safety. I am extremely concerned that the location of the upwellers pose a significant threat to the harbor and, in particular, to my property.

The mass of these upwellers is overwhelming. A 74-foot-long by 32-foot-wide by 16-foot-high structure that is unpowered will be extremely dangerous in the event of a storm. Even a well-powered tugboat would have difficulty maneuvering in and out of the proposed slip under calm conditions. In any wind and wave condition, the safe removal might be impossible. The margin for safety is so slim that one mistake could lead to a catastrophe for my building or dock or other abutters.

The flaw in the design of these upwellers

is the windage factor. Unless traveling directly into the wind, these barges will act like one huge sail and want to travel the direction of the wind. Any sailor knows that the key to success in a hurricane is to remove all items from the deck of a boat so as to avoid windage. This will be impossible with these structures.

I do not believe a proper plan can be developed to make these structures safe to Stonington Harbor. Even if the upwellers can be moved to a hurricane mooring when a storm arrives, they present a problem to others if they were to break loose. Will there be independent tugs to man each upweller in the event of a calamity?

Recently, I build an inn at 60 Water Street. The building is 74-by-50, not dissimilar to the upwellers. The building was constructed in the A Zone and, based on FEMA regulations, it was necessary to pour a three-foot slab weighing in at 1.3 million pounds, reinforced with steel, in order that the building not float away in a severe storm and cause destruction to neighbors.

Are these upwellers located in a V Zone any less threat to life and property than my building?

MODERATOR ROSENBERG: Thank you.

MR. GRIFFIN: I think not.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, Ray Mum from Groton/Long Point, who will be followed by Peter Schultz.

MR. RAY MUNN: Good evening. And thank you, Mr. Rosenberg, and your staff for conducting this hearing and hearing comment.

My name is Ray Munn. I'm the Chief Elected Official of the Municipal Borough of Groton/Long Point and I represent their views on that matter. We're the smallest -- we're almost the smallest municipality in the state of Connecticut. But we are, however, probably the most wholly impacted by this proposed project.

And I want to go through some of the points that have been raised to me to present to you this evening. As far as the Army Corps of Engineers' task, we have to decide on the location and the activities in this. And I'll get to that in a moment.

Let me just state right at the beginning -- because I don't know when my time is going to run out -- that Groton/Long Point Borough is decidedly opposed to the project as presented. As presented in the 22nd of May Notice, it seems to be a moving target. So we're

concerned about that. And I don't know what the Corps is actually going to be reviewing to approve or not this evening.

As far as the DEP Office of Long Island Sound Programs, they have a very strong charge in enforcing the Coastal Management Act and a bifurcated one in that they are charged to promote commercial and recreational fishing, boating and other water-dependent commercial, industrial and recreational uses. They have that balance to maintain.

We think the preponderance of guidance in the Management Act, Coastal Management Act, is in favor of recreational over commercial.

The Army Corps of Engineers, as I said, has two charges here; and that is the location and the activities in that location. We think the location -- and I'll speak primarily to Site 3, which is Lease No. 525. The location is at the most traveled junction of fairways in Long Island -- in Fisher's Island Sound, effectively spanning the approach to West Cove, Farmer's Cove, the Mystic River and a good part of the fairway, the east/west fairway along Fisher's Island Sound.

We think that because the -- we have strong questions of the public safety and public access to this area; that the proposal as presented is not a

responsible one for the Corps to approve.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, Peter Schultz, who will be followed by David Poole.

MR. PETER SCHULTZ: Hi. I'm Peter Schultz and I'm Vice Chairman of the Mohegan Tribal Council. What I would like to say to you tonight is that we're not here to defend the proposal. What we're here for is we're here to listen. And I look at the meeting as a positive thing because I think it will set the stage for constructive dialogue on substantive issues.

I guess some of the concerns are that the proposal keeps moving. Well, the proposal keeps moving because we are responding to concerns. And that's something that we are doing now and that we will continue to do as the process goes forward.

Also, that you should understand that we are not masters of this process; that we are learning our way through it as we go. And we're doing that by not demonstrating rigidity but by demonstrating openness and a willingness to engage in dialogue. And that's something that we're always willing to do. So that

anyone that wants to talk to us, that our door is open to do that.

This Tribe has been good neighbors since 1640. And I'll tell you, it's going to be a good neighbor in the year 2040.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, David Poole, who will be followed by Victor Kominsky.

MR. DAVID POOLE: David Poole. I'm a resident of the city of Groton, a boater, a fisherman and a member of Shennecosett Yacht Club.

I object to the lack of definition by the Mohegan presentation of the size and location of the Army Corps of Engineers permit, specifically No. 528, with the 608 acres. We do not know where that is.

Two, I distrust the scope in any long-term impact of the project that has a permit for 608 acres and utilizes only 10 percent of that acreage.

Three, shell disposal should be discussed. Have you ever seen a midden that was 50 feet high and 100 yards in diameter? They exist. Are they going to be underwater or on land?

I am concerned about the lack of any

stated plan to protect the boats in Pine Island Bay from a storm-driven upweller of the size that's proposed here through that grid.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Victor Kominsky, followed by Paul B-e-d-n-a-r-z.

Sir?

MR. VICTOR KALINOSKI: My name is Victor Kalinoski. I'm a recreational boater, sail boater. My boat draws four and a half feet. I have a mooring in Pine Island Bay. I reside in Bloomfield, Connecticut. In the summertime, I like to think I live in Pine Island Bay.

I object to any restriction of navigational waters anywhere, especially in Fisher's Island Sound. We have enough hazards out there right now.

I especially object to the fact that we've got this sovereign nation that doesn't pay taxes - - I'm a voter and a taxpayer in the state of Connecticut. And I resent the fact that a non-taxpaying organization can come into my area and restrict my freedom in any way. Who is being represented here? I

am not. That's my big objection here.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MR. PAUL BEDNARZ: I'm Paul Bednarz, B-e-d-n-a-r-z, private citizen and member of the Shennecosett Yacht Club. My personal concern is a loss of my mooring and other moorings in Pine Island Bay. I've had my mooring for 13 years. Moorings have been located here for over a quarter of a century and probably longer.

Trust. We heard a lot of talk about trust tonight. The letter from Dr. Maugle to Peter Francis indicates the moorings will probably be taken in Pine Island Bay. Now, when I spoke to him and one of his comrades, they told me, "Well, we hope it won't happen." Well, I said, "Well, what do you mean that you hope it won't happen?" "Well, we hope." I know. But that doesn't make me feel very good. I'd like to have them say they will not be taken.

Since moorings have been located in Pine Island Bay for such a long time, history and past practice should dictate that the moorings remain. Moorings should be grandfathered. Why should the desire of the Mohegan Tribe disrupt the life of the boaters who

moor in Pine Island Bay?

Noise. Dr. Maugle spoke of the quiet diesel with exhaust underwater. This doesn't mean it will be quiet. At Block Island, you can hear the sea robin fish underwater. That travels right across the bay. So how is a diesel engine exhausting underwater going to be any quieter?

Kayaking and canoeing is often done in Pine Island Bay. These citizens will now be refused this joy.

So I think the citizens of the United States should have the right to have recreation in Pine Island Bay, not to be a commercial concern.

Dr. Maugle also speaks of tourism. Are the tour boats of Mystic and other cities going to bring tourists out on Long Island so they can see the beautiful floating factories instead of the natural shoreline? I don't think so.

In closing, I'm opposed to the Mohegan Aquaculture Program. And I ask the Army Corps of Engineers to disapprove the application.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Thank you, sir.

Our next speaker, Carl Fast, who will be followed by Grant Westernson.

MR. CARL FAST: My name is Carl Fast. I'm here as a boater with about 40 years experience on these waters, also as a co-chair of the Ram Island Yacht Club Junior Program located in Noank. And, also, I have a passing interest as a marine engineer with 25 years experience.

I'm opposed to this permit application. My wife and I chair a Junior Sailing Program operated by the Ram Island Yacht Club in Noank. The program instructs 64 young sailors from the local community, ages 6 to 16. These kids are sailing five days a week and will often be in the waters designated in this proposal as having submerged and surface hazards. There are already numerous dangerous to safe navigation in this area, including rocks, reefs, fog and heavy boat traffic to contend with.

This added menace of moored barges, surface and submerged longlines and equipment will add an unacceptable level of risk to the safety of children using these waters.

My second concern is related to the liability issue and what possible avenues will be available to the public for redress. Every captain

knows that when he puts out to sea, he is ultimately responsible for his boat, his equipment and his crew. What responsibilities are the Tribe going to shoulder with the extensive vessels and equipment they are proposing?

If their equipment comes adrift, and surely it will, in a storm and causes damage, are they willing to cover the damages? As a sovereign nation, will the Tribe be subject to possible legal action to recover these damages?

As a naval architect and marine engineer with 25 years of professional experience, I would like to know how they intend to anchor all their equipment, monitor its condition and secure it in the event of heavy weather and minimize the dangers.

Have they properly accounted for the three-knot currents and 60-knot winds that they can expect every year? The drag loads on these longlines are enormous. They will easily snap one-inch cables. Those lines are not nearly strong enough to hold these systems. They will come adrift.

What will they do in the inevitable event of a hurricane, which seems to plague us quite regularly around here? And have they considered the fatigue loading on the mooring cables due to constant strumming

of the cables underwater due to water motion?

MODERATOR ROSENBERG: Thank you, sir.

MR. FAST: Thank you.

(APPLAUSE)

MODERATOR ROSENBERG: Mr. Grant Westernson, followed by Janet Kempner.

MR. GRANT WESTERSON: Good evening. My name is Grant Westerson. I'm Executive Director of the Connecticut Marine Trade Association.

A VOICE: Speak into the mike.

MR. WESTERSON: This project was brought to our attention by a number of our members that expressed a growing concern about the impact to their own businesses. The Mohegan Tribe Shellfish Project is a very volatile subject in eastern Connecticut. I understand that the Corp has received almost record responses to their request for comments.

We've also received many calls and faxes from our members and non-members expressing concerns with the plans and they impact recreational boating.

Our first examination of the project package showed the extent of the shellfish lease holdings that the Tribe controls. They're very extensive and include the bulk of the high-travel areas in the eastern Sound.

Few ports are accessible without passing over these lease holdings. And any new activity in these areas that may seem to obstruct navigation will bring a significant response. Case in point. Shellfish lease holdings are but a few inches off the bottom. In 20 feet or more of depth, the lease holdings are immaterial to navigation and transparent to any recreational vessel transiting the area.

Virtually the entire western Long Island Sound is subject to lease holdings and that has little impact on boating. The Mohegan Project would take up the water column from the surface downward. This would then preclude any vessel operation in those areas.

Shellfish bed leasing should not be confused with removing an area from any navigational use.

We initially submitted comments strongly expressing concern with the effects this project and its sites would have on the navigation safety of recreational boating. We did, however, meet with Dr. Maugle a few weeks ago and had an opportunity to hear him speak at length on the actual project and not as it may have been expressed by others.

Based on that conversation, we have a better understanding of the extent of the project, as

well as the extent the project will not be taken to. We understand the project has been significantly reduced in scope, which would, in turn, reduce the perceived impact to others.

However, each area must be examined for cooperative use of resources and only minimal changes must be considered acceptable. We reserve the right to express concerns for the impact on recreational and commercial boating navigation --

MODERATOR ROSENBERG: Thank you, sir.

MR. WESTERSON: -- and the localized impact.

Thank you.

MODERATOR ROSENBERG: Thank you.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Janet Kempner from Groton, followed by Hunt Foster from Old Saybrook.

MS. JANET KEMPNER: My name is Janet Kempner. And we moved to Groton City a year ago June to be near our boat, which we have kept in Pine Island Bay, a boat for probably 20 years or so.

We are not opposed to the idea of the Mohegan Aquaculture Project. But we are opposed to the segment in Pine Island Bay as the plans now indicate.

We believe that this project will be a detriment to Pine Island and Pine Island Bay aesthetically and environmentally.

We are opposed to the proposed 20-foot-tall, 72-foot-long upweller that is proposed for a portion of the bay. This object will destroy the vista of Pine Island that we, who spend a great deal of time on or near the bay, enjoy. The beauty of this area is what drew us to the Pine Island Bay area.

We understand that there will be a diesel generator running 24 hours a day at the upweller location. They say it will be quiet. But I have had diesel generators on my boat and they are not quiet.

We have also been told that the exhaust from that generator will be directed into the water. We believe that this all makes for a potential of noise and water pollution. There are ospreys that nest on the island and there are bass that thrive in the bay. These creatures will certainly be disturbed by the constant and exhaust, not to mention the humans who spend time on their boats in the bay.

There is also the concern for eel grass and clams in the area of the planned upweller. When Shennecosett Yacht Club applied for permits for new docks that were submitted to DEP and ACOE, proof had to

be shown that there was no eel grass or clams that would be disturbed. We assume that the Mohegans will have to adhere to the same standards.

It would seem there are spots in other areas for this project that are not going to affect the beauty and habitat of the area. We have written letters of our objections to this project to both the ACOE and the DEP. We hope that this permit request will be very carefully scrutinized before any permit is issued.

Thank you.

MODERATOR ROSENBERG: Thank you, Ma'am.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, Hunt Foster from Old Saybrook, followed by Dennis Robinette from Groton.

Sir?

MR. HUNT FOSTER: My name is Hunt Foster.

I live in Old Saybrook. I'm a member of the Niantic Bay Yacht Club and a frequent sailor through Fisher's Island Sound and Niantic Bay.

My understanding is, when I was in college, that the Corps of Engineers was tasked to undertake projects if they would show benefit, economic benefit to the general public. This project would show an economic benefit to one small concern, the Mohegan

Tribe. It would also have a subsidiary effect to suppliers directly to the Tribe.

We've already heard a litany of cases where it's going to be detrimental to marine interest, commercial fishermen, recreational fishermen, recreational boaters. These are all valid uses of the space.

For the economic benefit to come true, this has to be a viable operation. That has not been shown. In recent years, we've already seen the virtual extinction of the Niantic Bay scallop crop for reasons that no one has been able to pinpoint yet. Just in the past year or two, we've seen the virtual and real severe cutback in the lobster population in the western Sound. These are all indications of an ecosystem that's under severe stress.

To suddenly load up the system with intense aquaculture like this is an invitation to a catastrophic collapse of the system.

This Tribe -- we have seen no documentation that any of these people involved have any real experience in oyster farming and oyster habitat. We're getting into a great unknown on a large scale.

I'm opposed to this project because it's too unknown and it's going to have adverse impact.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker is Dennis Robinette, who will be followed by William Spicer.

And, sir, after that, may I request we take a break? Thank you, sir.

MR. DENNIS ROBINETTE: My name is Dennis Robinette. I'm the immediate past-Commodore of Shennecosett Yacht Club at Pine Island Bay in Groton, Connecticut. Shennecosett Yacht Club was established over seven years ago as a sailing club. Today we have grown to over 400 members. Over 200 families regularly use SYC as a home base for sailing, fishing, beach walking, swimming, kayaking and general recreation. Many make the Club their summer home. Our members have worked individually and collectively to continually protect and improve our loved environment.

We also serve the general public with pump-out services, fuel and supplies. We take our stewardship of Pine Island Bay very seriously. And we take pride in our property and have a very active membership.

We as a Club pay considerable taxes to

Groton and to the State of Connecticut. We do not believe that a commercial venture by non-residents without personal knowledge of the area and who contribute no taxes or benefit to this community is an appropriate use of our coastal treasure.

We believe that the proposed aquaculture project planned for Pine Island and the upweller planned for the inter-channel to Pine Island will in no way enhance or improve our bay and, in fact, will be visually, acoustically and aesthetically detrimental to the beauty of Pine Island Bay.

Please deny the permit as it currently applies to Pine Island Bay.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, William Spicer. And then we will follow it by a break.

MR. WILLIAM SPICER: William C. Spicer, III, 49 Noble Avenue in Noank. And I will turn in a number of exhibits. The first one is a picture chart of Fisher's Island Sound, one of a very, very busy boating area. It's fairly narrow. And into this area proposes the Mohegans to throw something that collectively is two square miles.

Now, there are three outside sites, Site 2 south of Pine Island, Site 3 off Mystic, Site 4 off Noyes Shoal in Stonington. In bad weather, all three of those are really, really wild. And you should examine very closely how crop insurance from the Federal Government might cause somebody to do such an idiotic thing as try to place fairly expensive gear in sections it's sure to be lost.

We've heard about cooperation and the scaling-down. We've had an absolutely ridiculous proposal that is now reduced to very ridiculous.

Now, let's look at what is actually happening in some of the other areas. It's unpermittable in Site 2, 3 and 4 and the coastal consistency DEP regulations for CGS Section 22a-92 says to disallow uses which unreasonably congest navigation channels.

Now we look in Pine Island Bay where I own their site and basically they're trying to steal it from me. I own north of Pine Island and have, or my predecessors, since 1954 or '55. Those of you that have had moorings have never had trouble with any of us for 47 years. But there's a really nasty letter that's totally inappropriate addressed to Peter Francis, dated June 12, that is circulating. I own the bottom there.

I have some rights that are not available to Dr. Maugle because the Army, putting in a special anchorage area in the 50's, and their State lease does not permit them to displace previous permits and rights of the State of Connecticut.

MODERATOR ROSENBERG: Thank you, sir.

MR. SPICER: And I will submit these as an exhibit.

MODERATOR ROSENBERG: Thank you, sir.

MR. SPICER: Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Sir, with your permission, I'd like to take a 15-minute break. It's now six at 9:00. We'll reconvene at 9:21? Thank you. We'll reconvene at 9:20. Thank you.

(RECESS)

MODERATOR ROSENBERG: Our next speaker -- ladies and gentlemen? Thank you.

For those that were having trouble hearing, we've got plenty of seats now. So come on down. That's great.

Our next speaker is Ernest Lay from New London. He will be followed by Osborn Elliott from Stonington.

MR. ERNEST LAY: Good evening, everybody.

My name is Ernest Lay, L-a-y. I live in New London. I'm here representing myself as a recreational boater, fisherman and -- one thing I've not heard tonight -- scuba diver. Also, I'm here representing a scuba diving club, SeaCon Dive Club, which has a lot of members. We also have another dive club in the area called Hammerheads.

One of the areas proposed -- I think it's the 528 area -- happens to be right over where there's an old war plane that we dive on. And there's a couple of other dive sites, wrecks, in between Fisher's Island Sound and the Noank area.

And I ask that if they take those areas away from us that we can't dive on them, that they might put other areas down for us, planes, old boats, anything that we can dive on.

Also, I'd like to say that I don't want to be -- I don't want to lose the boating area that we have, as small as it is. One of the doctor's friends earlier said that there's a lot of water out there. Well, if there's a lot of water out there, let them move their items out and let us enjoy the water that we have been using all these years.

I don't oppose any business venture that

would help the area. But I also want us to have our quality of life. The bonuses that he was offering up earlier -- one of them was the fact that this would bring a lot of money to the local area. But, if you check the records, you'll find that there's a lot of out-of-state contractors working on different projects for the Indians. So it's not all just for us here in Connecticut.

So I oppose the project as it is and hope that it can be looked at better and maybe changed around a little bit so that we have more access to the water.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Osborn Elliott, who will be followed by Kent Ferguson.

MR. OSBORN ELLIOTT: Good evening. I'm Osborn Elliott, a resident of Stonington. And in years past, for many years the Editor-in-Chief of Newsweek magazine. I state that simply to establish some credentials as a person who has been used to over many years to listening to the pros and cons of many political situations, many economic arguments, et cetera.

As I sat here tonight, I really came with

a pretty open mind because, like many other people, I'm in favor of mixed uses and a combination of industrial and residential uses in the Stonington borough.

But having heard the arguments, of course mostly con, I am totally persuaded that this proposal by the Mohegans would be a disaster if affected.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Kent Ferguson, who will be followed by Leon L-a-n-t-e-i-g-n-e.

Kent Ferguson?

MR. KENT FERGUSON: My name is Kent Ferguson. I'm from New Brunswick, Canada. And I'm honored to be here. And I thank you all for having me here. This is an excellent medium to establish facts from fiction and to also hear the concerns that the public may have.

I have about 15 years of direct experience with shellfish aquaculture in Canada. There it's been quite a success story. In certain areas -- I can take one, for example, Prince Edward Island. That's an area where we have -- the third highest industry in that area is tourism. The second highest is shellfish

aquaculture. They're entwined. The vessels have no problems navigating through the water. In fact, it enhances the water systems around there. There's more fish in that area for the recreational fishermen. Their best fishing spots are just off the aquaculture sites. It provides somewhat of an artificial reef.

I think it's a great process that you're going through here. There were some issues about the equipment. I'm very familiar with all the equipment that's being used. And none of it is toxic in any way.

In fact, it's completely non-toxic. And there are no chemicals added. In fact, most of the equipment used is 100-percent recyclable. So it's completely environmentally friendly.

I think it's a good project that they have proposed. And I hope that other people follow in their footsteps and propose their own projects so that it can become a viable economic solution for the community here.

I've seen communities -- and I'll take Newfoundland for one -- that were decimated by the traditional fisheries where they -- where the bottom trawlers basically reaped all the resources and wrecked the land. And I've seen communities rebuild and have pride in themselves again because of shellfish

aquaculture. They need it. It works. And they've had no obscure or bizarre environmental impacts whatsoever.

We pride ourselves on our pristine waters and we maintain that.

Thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MR. LEON LANTEIGNE: My name is Leon Lanteigne. I'm also from New Brunswick, Canada. I'm also an oyster producer, operating well over 200 acres in northeast New Brunswick.

Although initially we had some problem with the navigational issue, as well as the fishing, we have been located this lease by the Coast Guard and have been operating a submergible system over the last 10 years. We asked to do so. We could have worked at the surface. But because of strong wind in the area and strong wave, we have to do the submergible grow-out system. And we have been efficient so far.

So I don't think there should be any concern in regard to the navigational issue the way the project has been presented.

Although initially there was some concern about navigational and fishing, some fishermen right now are passing over our lease to fish all around our

operation and with great success.

In regard to the habitat activity, I think Arabian and Japanese are investing millions to develop similar systems to promote and improve the habitat productivity and diversity. So there is a big advantage right here.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, A. Granados, G-r-a-n-a-d-o-s? No?

Daniel Van Winkle from Mystic, Connecticut? No?

John B-o-n-a-r-d-e-l-l-i. Thank you, sir.

MR. JOHN BONARDELLI: I have a big voice. If you can't hear me at the back, I'd be surprised.

My name is John Bonardelli. And I'll read just to make this clear and quick. First of all, I'd like to thank all stakeholders for being here that are concerned about aquaculture development. I mean this is one of the most impressive hearings I've ever seen or attended.

I've been asked by the Mohegan Aquaculture Tribe -- Tribe to deal with and help them

with their aquaculture project because I have the expertise to develop the submerged longline technology and apply that into their aquaculture project.

And one of the issues I like to bring about is to apply best management practices and state-of-the-art technologies when we talk about aquaculture.

This is not a fly-by-night operation. Aquaculture is a high-technology field.

So my expertise addresses practical industry problems and that lead to profitable enterprises. And this is about making money as well. So I've been actively involved in the development of shellfish aquaculture along the east coast of Canada for the last 18 years. And I have also had my business, won and lost. And as a research scientist, I've been studying aquaculture for the last 18 years as well.

I've had the opportunity to work in a provincial government as Aquaculture Coordinator and Scientific Advisor for aquaculture development projects.

And that's helped give me perspective on the other side of the fence, in a sense, to see how aquaculture should be developed and most community-oriented manners as well.

I'd just like to bring about some of the comments on the benefits of submerged longline

aquaculture which I think will be an important component to this project.

First, if you would allow me, I think I want to thank the stakeholders that are here because some of the issues that are brought about are very important issues. It's important to address them. A lot of them do have answers. And I'm not at all discouraged by what I hear tonight. I think oftentimes it's a matter of getting the right information to address those concerns.

So to meet the specific requirements of the Mohegan Aquaculture Project and their concern for, you know, sharing the space with co-users --

MODERATOR ROSENBERG: Thank you, sir.

MR. BONARDELLI: One minute?

MODERATOR ROSENBERG: Thank you, sir.

Our next speaker, Larry Davenport?

Ron Gretney from Groton?

Stan G-a -- G-l-a-d-y-e-h?

Fred K-i-l-g-u-s, Kilgus?

Kenneth Barbeau? Thank you.

By the way, if anybody has -- wants to -- after we close this down, we can take any more comments afterward, maybe a little bit more informally.

Sir?

MR. KEN BARBER: My name is Ken Barber. I'm a resident of Noank. And I'm speaking for myself, although I am an officer in the United States Fire Squadrons. I am concerned -- I have been boating in Fisher's Island Sound since the 60's and operating out of Pine Island Bay for about 20 years.

I'm concerned about the upwellers, as well as the floating areas in Pine Island Bay, for safety aspects, environmental aspects, as well as aesthetics, and their restrictions to navigation.

I'm also concerned about the areas south of Pine Island Bay, south of Mystic, off Ram Island and east of Ram Island, which are in heavily traveled fairways. I've used those areas myself many, many times. And on weekends, there's an awful lot of boat traffic through there. And the submerged -- the buoyage associated with the longlines and so on, in my opinion, will create a significant hazard to navigation.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker, Douglas Peacock from Groton?

Kenneth B-r-u-d-i from Norwich?

Kelly Granatek from Coventry?

MS. KELLY GRANATEK: Hello. My name is Kelly Granatek. I'm from Coventry, Connecticut. I'm here tonight representing myself and my husband. We are both recreational boaters. We own a 16-foot aluminum Starcraft boat which we bought for the purpose of being able to fish the shores of Connecticut.

The proposals put forth are going to directly impact our recreation on Long Island Sound. I am opposed to the proposal. I think that it is a bad idea. Listening to everybody's arguments tonight, I definitely support everything that was said in opposition tonight. I think that everybody's concerns are definitely warranted. I don't know that much about the proposal because I have not myself gotten a copy of the proposal. I am looking forward to actually reviewing it a little bit further.

But, also, specifically, I did have questions with regards to the presentation that Dr. Maugle did put forth. I am curious as to know what is the cultural intent of the Tribe. I would also like to know the disease-resistance of the oysters. How are they genetically altered in order to be able to make sure that they are resistant to disease? This genetic altering, is it safe for us to actually eat these oysters? I know that we have concerns now as far as the

genetically altered corn that they're finding in foods that isn't being regulated. How is the Tribe going to actually regulate how they are growing the oysters themselves?

The exportation to Japan, that does not sound like it is a benefit locally to the community as far as revenue generated.

Also, the generators that are going to be using are Fischer Panda generators. I've never heard of them. I don't know where they're purchasing them. They don't sound like they are locally purchased.

Also, there is a State boat launch which is north of Pine Island which my husband and I do use to launch out of. And that is going to be directly impacted, our navigation of trying to get out into the local waters. We do fish, like I said, all along the coast. We pay taxes on the boat that we bought and all the top-of-the-line fishing equipment that we have bought in order to be able to use the area.

MODERATOR ROSENBERG: Thank you.

MS. GRANATEK: Thank you.

MODERATOR ROSENBERG: Thank you very much.

(APPLAUSE)

MODERATOR ROSENBERG: Our next speaker,

Lorraine Grader, G-r-a-d-e-r?

Martin Lyons from Mystic?

Daniel P. Higgins? Sir, please tell me what city your from, your name and address?

MR. DANIEL HIGGINS: I'm from Bozrah, Connecticut. And I have a boat at Shennecosett Yacht Club, which I'm pretty much a resident of during the summer months.

I must say I'm somewhat in awe of some of the speakers here this evening in opposition to the proposal set forth. I really don't have the preparedness that they have. But I was in my boat this afternoon off of -- just south of Pine Island with two of my grandchildren pulling lobster pots. I have a recreational lobster permit. And I was really worried that we might lose that privilege of being able to take -- carry out those recreational activities with my grandchildren in years to come.

I'm also concerned about the upweller being positioned the way it is. My boat would be -- could be directly impacted if that were to break loose during a severe storm coming out of the southeast it looks like.

I just don't see it as a viable proposal from my standpoint.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, Richard Pealer? Sir, would you tell me what town you're from please?

MR. RICHARD PEALER: Pardon?

MODERATOR ROSENBERG: Would you tell me what town you are from?

MR. PEALER: Niagara Falls, New York.

MODERATOR ROSENBERG: Thank you.

MR. PEALER: My name is Dick Pealer. I'm from Niagara Falls, New York. My wife and I keep our boat at the Shennecosett Yacht Club in Pine Island Bay. We chose that area over the Niagara River because of its pristine beauty and its ease of access to and from Long Island Sound.

I'm totally against the proposal for obvious reasons. It's strictly personal. I don't want to go back to Lake Erie and zebra mussels. I'd rather stay here. But I don't want to fight the oysters, either.

As a point of interest, years ago, as a past manager of the Groton/New London Airport, I fought oyster shells on a daily basis. We had to go out every

day and clean runways because of seagulls dropping oysters on the runways, causing damage to engines by ingestion, crop damage and the oyster shells slashing tires of airplanes. It's a good argument against the new oyster-farming process. We definitely do not need them for the safety of the airport.

And then the upweller. Is it sitting in the approach end of the runway? Ten years ago, we lost a good portion of the Pine Island Sound to the approach lights. Now, is the upweller going to be affecting those approach lights? Is it going to derogate the signal from the ILS system? Has anybody checked the navigation easements?

I'm against the project as being a former aviator and as a personal boater.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, Barbara Johnson, East Lyme, Connecticut. Barbara Johnson?

Fred Allen from Groton, Connecticut?

John Reed from Groton, Connecticut?

MR. JOHN REED: Good evening. My name is John Reed. I'm from Groton, Connecticut. I have sailed

in the waters of Fisher's Island Sound for over 40 years. And I can attest with great authority as to how crowded and treacherous the waters are for safe navigation even in their current state.

On a personal level, I personally have absolutely nothing against the Mohegan Tribe pursuing an industry to develop aquaculture. I think it's a wonderful idea. I have a real problem trying to put it here in the very, very crowded and becoming ever more crowded waters of Fischer's Island Sound. That is really the basic nut that we're dealing with.

We're dealing with an area where there are hundreds and hundreds of boaters. And I can also attest that not all of them, shall we say, have finely-tuned skills of navigation. So that's certainly a very definite issue that you certainly need to keep in mind.

So that's really the basic issue. Another issue is one of -- there's a fundamental issue of trust. This proposal has gone through so many changes and so many revisions that I believe that many people share my perspective. We don't know what we're really trying to voice our opinion on. There's a fundamental issue of trust and that needs to be addressed.

There is a fundamental hazard to

navigation by all of the equipment that's being proposed. It creates a real safety hazard. I believe it is unenforceable to maintain a ten-foot depth of that equipment. How on earth are we ever going to enforce that? And if something does happen, how on earth do we ever get redress for it? And who is going to pick up the mess afterwards? And how do you make that happen? These are very real issues.

Another issue that needs to be addressed is how do you handle all the waste? When they pull the traps to clean them, how are you going to handle all that and all the waste that that generates? Any shells or anything else that might need to be cleaned up, where is that going to be done? In the borough of Stonington? I don't think so.

Thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, Franklin Rich from Stonington?

Bruce Lockwood, Groton/Long Point? Sir?

MR. BRUCE LOCKWOOD: I'm Bruce Lockwood, Groton/Long Point. Sixty-five years ago, I began racing and sailing on Fisher's Island Sound. It was always a fun place for recreational boating. And we use it for

many months each year. We even sailed frostbite events in the winter. In all, I've been in maybe 1600 races in this period since 1937. Racers go in all directions. They go here, there and everywhere, chasing wind, tide and so forth. And these contraptions are going to limit that.

It seems hard to believe that after a fun journey I began in 1937, it is now about to be severely curtailed, maybe even eliminated. I strongly oppose the plan for aquaculture as proposed in the Army Notice. I do, however, think that oysters are a wonderful product and there's got to be some way to do this thing.

Recreational boating we now do is adversely impacted by the diagrams that you've seen here on all these various bays. In the many years on the water I have noticed sailboat -- another feature is with regards -- which is neglected in the Corps Notice -- it's relatively easy for the Corps to start a corporation which has no direct connection from a legal standpoint with the corporation -- with the Mohegans. Somewhere after the project is under way and all the equipment is in place, a heavy-duty storm, hurricane, whatever comes through, extensive damage takes place. Sometimes the damage is not economically feasible to repair. And at that point in time, who cleans up the

mess? Probably nobody.

So there really has to be, if they're going to do this, some sort of bonding procedure to make these guys cough up dough ahead of time to take care of the damage that's invariably going to happen.

I'm opposed to the project.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, John Watson from Mystic?

MR. JOHN WATSON: Thank you for the opportunity to speak tonight. My name is John Watson. I'm from the Mystic River area of Groton. And I'd like to share three major points.

I'm concerned by the lack of consistency, accuracy and detail in the project proposal. It makes it almost impossible to adequately assess the existing conditions, durability of the mechanisms to be used, handling of the materials and potential adverse impacts of the proposed project on existing fauna, flora, fisheries, navigation and recreation in the area.

The lack of a plan to monitor, enforce, mitigate or compensate for adverse impacts makes it imprudent for the Corps or State agencies to approve this project at this time.

The apparent lack of attention to detail, specific knowledge and experience reflected in the preparation of critical aspects of the proposal as offered tonight increases the perception that, despite the best intentions, this project will adversely impact the environment and competing uses in the area.

Some specific details. Site 6 is incorrectly characterized in the proposal. I'm a diver, too. I've been down most of the areas around Ram Island. There are eel grass beds there that were not mentioned in the proposal.

Claims of minimal impact on fisheries populations are not supported by any type of behavioral aspect of the temporal and spatial behavior and preferences of the fish as mentioned in the proposal.

The claim that the cages can be positioned in lower areas to get out of the current made at the start of this presentation is not correct. The current scours that specific area practically to bare rock.

In short, let's not try to reach success via the road to disaster. Please, take this proposal back. Scale it down. Get the facts straight. Consider others' input. Do the project right or please don't do it all.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Thank you.

Next speaker, Jim Ryemash?

Tom Althaus? I'm sure I got that wrong, sir. Could you please spell your name?

MR. TOM ALTHUIS: Yes. Tom Althuis. That's A-l-t-h-u-i-s. And I'm from Groton. I thank you and the Army Corps for the opportunity for all of us to express our views here tonight. And I speak here as a recreational boater, as well as a long-time resident of Groton.

My concern, as many others here this evening, is particularly with Pine Island Bay and that vicinity. Pine Island -- I think one point to really stress is Pine Island Bay is very small. It's not a big, open area. And it's small. It's picturesque. And the issue, therefore, is not whether this is a ten-acre site, a four-acre site or even a one-acre site.

The issue is it's right at the -- near -- at the pathway of a very heavily trafficked area. There are, you heard earlier, a thousand boats in and out. You heard earlier about the overlap of the boundary lines with moorings and that some people might lose moorings. But that is even more reflective of the fact

that it is so close to so many other boats. There are hundreds of boats in Shennecosett Yacht Club, many of which will be within a few hundred feet of this operation. Few, if any, of them will be further than 2,000 feet away. And the people who live on these boats in the summer and who enjoy them on weekends will be subject to noise and light 24 hours a day from this sort of operation.

I am all in favor of technology, innovation, economic development and so forth. But Pine Island Bay is not the place for this operation.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, Tim Maderos?

Charles Pierce from Groton?

MR. CHARLES PIERCE: My name is Charles Pierce. I live at 91 Jupiter Point Road in Groton, which is surrounded by Pine Island Bay and Baker's Cove. I am opposed to this project, 100 percent opposed to it. It's devastating.

This project could have an unbelievable devastating economic impact on homeowners in this area. Can you imagine asking for a devaluation of your homes

50, 60, 100 percent? Who is going to pay for those? Who is going to offset that? Right now where this is proposed, that it would wipe us out of the beach down in there.

The other thing is that it's nothing but a factory built in a residential area. Nothing but a simple factory built in a residential area. A simple factory with generators, motors, compressors, lights, noise going on all the time. If this were to come before a Zoning Board in this community, it would be thrown out because it would be nothing but spot zoning. It should not be allowed. It should be done away with.

No consideration in any way, shape or manner should be this project in Pine Island Bay. It's a residential neighborhood. It's very interesting when you look at the proposals here. None of them show one bit of the impact on the residential neighborhood.

What is the access to and from these things? Through a residential neighborhood? Are we going to run the trucks and generators through there again? I put up with trucks and generators all the time. I put up with generators off the boats all night long going on. I'm not in favor of all the wonderful boaters around there all the time because they do some peculiar, strange things. Can you imagine a factory

doing this now? It's bad.

And we don't need it. And it should be disallowed. And it shouldn't even be considered in any way, shape or manner for this area.

You people from Canada, we live in a metropolitan area here. Go back to Canada in the woods, if you want to. I'm from Maine. I know where you come from.

(APPLAUSE)

MODERATOR ROSENBERG: Thank you, sir.

Our next speaker, William Gash, New London, Connecticut?

MR. WILLIAM GASH: William Gash, New London, Connecticut, Executive Director of the Connecticut Maritime Coalition. The Coalition supports the Mohegan Tribal Nation's Initiative to create a sustainable aquaculture industry in southeastern Connecticut. What Dr. Maugle, Director of Aquaculture for the Mohegan Tribe, is attempting to accomplish is to combine the latest science and technology of aquaculture with the cultural interests of the Tribe.

This Initiative brings something to the environmental discussion that no one else in southeastern Connecticut has; a sustainable shellfish fishery.

When in full operation, Dr. Maugle expects to produce millions of clams and oysters that will net 20 million annually and fully employ 30 people with benefits comparable to other large employers in the area.

It is estimated by Dr. Maugle that over 150 southern New England companies will benefit from this environmentally friendly fishery, creating an abundance of consistent, high-quality oysters and clams, will bolster southern Connecticut's expanding tourism industry with an important and recognizable shellfish product, a Connecticut heritage and icon, clams and oysters.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

Next speaker, Joe Renderro? That's
R-e-m-d-e-r-r-o, sir?

MR. JOE RENDEIRO: D-e-i-r-o.

MODERATOR ROSENBERG: Thank you, sir.

MR. RENDEIRO: Joe Rendeiro. I'm from the Quambug area of Stonington. I can't say I've been a commercial fisherman all my life because it ain't over yet. But I've lived in Stonington for a very -- the biggest part of my life and I've been a commercial fisherman there.

I strongly agree with all of the negative comments I've heard about this. We've had meetings with Dr. Maugle down at the Stonington Town Dock. And I didn't come away with a very good feeling.

I have reservations about a non-taxable entity that is going to be allowed to take a very large portion of Fisher's Island Sound away from commercial fishermen that have been using this area for hundreds of years.

Now, I also heard a comment from a gentleman that said there was thousands of acres out there that could be used by commercial and recreational boaters and fishermen. Well, I can remember the first day I stepped in the pilot house to take a boat fishing as captain. And one of the things my father told was "There's a lot of water in the ocean. In some places, they spread it pretty thin."

Now, Long Island Sound -- I mean Fisher's Island Sound, when you add three- and four-knot currents in a northeaster with the shallow waters and the shoals, none of this is going to survive. I've seen piers that were designed to float in Norway in some of the roughest North Atlantic waters break up in Stonington Harbor. There's a wave action there that nobody has ever been able to deal with. And I don't believe this will

survive. I think it's a very bad idea.

Thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker,
Joseph P. Wetzel, II, from Groton?

MR. JOSEPH WETZEL: My name is Joe
Wetzel. I really don't have a problem with the venture.
I have a problem with the way they're going about it.
I don't think that the spots that they've chosen are the
best spots to have this type of an operation.

I frequently navigate in and out of Pine
Island, going out the south side, through the -- between
Bushy Point and Pine Island. It's extremely tight to
begin with. And we've got some rocks in there. Going
out the other end, with your channel coming around,
yeah, it's wider. But I don't think it's wide enough to
support this building that they want to put there and
float.

Aside from the fact -- and I've already
made that known to Mark. Most of the areas where he's
got these things going down are prime fluking areas.
I'm just simple folk. I get out there when I can. I
know the spots where they're at and I go there.

I already have a big bill for fishing

equipment, anyway, from getting caught on lobster pots and everything else. This is just going to be an added hassle for us little people. There's a lot of rental people that come in from out of town that don't know the waters out there, don't know what all the markers are, that are going to be getting into trouble out there.

And I think we've got some problems that we need to work out.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Next speaker, Francis Murphy, Mystic?

Raymond O'Connell, Mystic?

MR. RAYMOND O'CONNELL: I'm Raymond O'Connell from Mystic and I have a boat at Shennecosett. I'd like to thank the Army Corps of Engineers for the opportunity to speak here tonight. And I just want to express my concern for my family and friends that go sailing with me out there.

I know earlier, before the presentation, I was told by the Tribal representative that it would be -- I could freely navigate over the longlines they would be putting out there because they were ten foot below the surface. However, I know from experience that I don't like to navigate in waters that are ten feet deep.

And the bottom, in that case, is pretty sure where they say it is.

Here, from what I've heard from others and the impression I would have from my experience, that these lines would probably be in a very dynamic situation, as well as the surface of the water and my craft, and I think I would be at risk and I probably would not navigate in those.

They are also in areas which are frequently near shores which I would be navigating around. In case of emergency, that could be also a problem.

So, thank you very much.

MODERATOR ROSENBERG: Thank you, sir.

Next speaker, Garan C-a-m-a-s-s-a-r?

MR. WILLIAM SPICER: Garan Camassar was my attorney. He's yielded his time to me. But I'll let you finish the list.

MODERATOR ROSENBERG: Chris Vann,
V-a-n-n?

Thaxter Tewksberry, Groton?

Joseph Gilbert, Stonington?

R. L. C-- R.L., first two initials, last
name C-r-o-l-i-u-s?

George Geyer, Stonington?

Malcolm Hitchingson? Sir?

MR. MALCOLM HUTCHINSON: Good evening.

I'm Mal Hutchinson. I've been a resident of Jupiter Point, right on the bay, on Pine Island Bay, for 60 years. I don't think anyone's got more experience there, maybe outside of Bill Spicer, than myself. I've done it all there. I've sailed. I've fished. I've lobstered. I've field-netted. I flew-fished. I've done about it all. I know the currents in there. I know the waters in there.

The bay is entirely saturated now. I've seen the bay go from 15 boats to 300 boats out there now. The waters are dead. You put your hands into the muck on the bottom of the bay and they come up and you can't get it off for days. That's how bad the bay is.

The area over where the Yacht Club is now and just beyond Spicer's Marina or ex-Spicer's Marina was a very, very -- it was a great area for clamming and lobstering -- not really lobstering, but scalloping. And even inside the Pine Island Bay area.

The area where they want to put the upweller is an area which I had lobster pots in. A very, very good area for lobstering and blackfishing and fluke fishing, right in that little trough area there.

That area was built primarily with a dock

off Pine Island Bay for Plant's yacht. It was protected inside that particular area. Not too many people know about that. But that's why it was built. It's a very protected area in there.

We're losing probably seven mooring spaces in there. The other thing that's happening out there now is we're taking away -- this letter that was written just last week, they say there's such a cooperative effort going on and good neighborhood type of thing. Well, the Indians -- Dr. Paul Maugle wrote this letter dated June 12, stating the fact that we're infringing up -- the moorings are infringing upon their properties now. If that's not a war, what is it? They're already saying now they're taking issue now, already. Not good neighbors. And saying that we're infringing upon their rights there. That's not right.

Another thing that was mentioned here just briefly was another contradiction. The units over at Ram Island are supposedly powered by power off the island itself. The unit over here at Jupiter Point, Pine Island Bay, is being run by generators. And he said the reason it was being done over there is because of the noise factor. Well, over here in Groton, I mean he's contradicting himself. Here we've got noise --

MODERATOR ROSENBERG: Thank you.

MR. HUTCHINSON: -- in one spot and not in the other spot.

I can go on for hours upon hours about telling you what's happening in Pine Island Bay. The issues have not been addressed over all these years.

MODERATOR ROSENBERG: Thank you. Thank you, sir.

Next speaker, George Geyer, Stonington?

Mikhael G-r- from Stonington, Connecticut? 15 Old Pequot Terrace?

Michael Rice, Kingsbury, Rhode Island?

MR. MICHAEL RICE: Hello. I'm Mike Rice. I'm Chairman of the Fisheries Department at the University of Rhode Island. And I do come from a state that has a high population density, a high tourist zone. And we have gone through the Army Corps about ten years for some aquaculture permits in some of our coastal ponds that are highly impacted. Some of these projects use the same techniques that are being proposed here.

And after some of the initial problems were worked out, largely there has been a good-neighbor relationship developed with some of these aquaculture companies. And as time has developed, the development of some of the offshore or off-bottom aquaculture methods that are being presented here have taken hold in

Rhode Island, not too far away. And I would invite anybody interested in this to talk to some of our residents in Rhode Island about it, our Coastal Resources Management Council, who has dealt with this problem, the Corps of Engineers in Region 1. Monica Stillman was one of the project people for Rhode Island at the time. And I think that a good deal of information-sharing could help out in the effort.

Thanks.

MODERATOR ROSENBERG: Thank you, sir.

Is there anybody here that has not filled out a card but wishes to speak?

MR. MALCOLM HUTCHINSON: I did. But there's another Malcolm Hutchinson.

MODERATOR ROSENBERG: Okay. Please, sir, come to the microphone, give your name, spell your last name and tell us what town you're from.

MR. MALCOLM HUTCHINSON: Malcolm Hutchinson, Glastonbury, Connecticut, also a summer resident of Pine Island. Hutchinson, H-u-t-c-h-i-n-s-o-n.

MODERATOR ROSENBERG: Thank you, sir.

MR. HUTCHINSON: I know Rhode Island very well. You can't compare Rhode Island to this area of Connecticut. You can certainly not compare Newfoundland

and the parts of Canada mentioned, New Brunswick, to this area. I'm actually kind of angry that that was brought up here.

But, based on the realities of the congestion within Fisher's Island Sound, I believe the proposed aquaculture project is simply not feasible. In its current form, this is an enormous project with tremendous risk. Why must the public share the pain of the learning process that we have to go through? And it is a learning process, per the Vice Chairman of the Mohegan Tribal Council.

I believe the DEP and the Army Corps of Engineers have a responsibility to protect life, nature, marine vessels and waterfront homes. In order to do this, they cannot allow this. They must deny this permit.

And I think we could do this -- solve this issue very easily. I think we could all get in a ferry boat, rent a ferry boat, this weekend or next weekend and just kind of hang out and look at the Sound from Fisher's Island or from Pine Island all the way to Stonington. And I'd think we'd all sit down, including the Mohegan Tribal Council and Dr. Maugle and the gentlemen here from the Army Corps of Engineers, DEP -- I think we'd all sit down, we'd laugh and we'd say, "You

know what? There's no way we can do this? What are we, crazy? It will not work. It will create a disaster."

And then another important point which nobody would ever think of; but this is unknowingly very discriminatory. There are people who rent boats from Pine Island Marina who cannot afford to own boats or buy large boats. They are bottom fishermen. And the prime spot, absolutely, is just south of Pine Island. That -- and the points mentioned from the gentlemen from Canada do not apply here. Okay? You must drift in order for this type of fishing.

MODERATOR ROSENBERG: Thank you.

MR. HUTCHINSON: You cannot do that there.

MODERATOR ROSENBERG: Thank you very much. Thank you, sir.

Is there anybody else that wishes to speak that did not fill out a card?

Please, sir, come to the microphone. Please give your name, spell your last name and the town you're from.

MR. GEORGE EDWARDS: My name is George Edwards, E-d-w-a-r-d-s. I live in Groton. I was born in Groton. I'm a member of the Shennecosett Yacht Club. And I'm not speaking for them. I'm speaking for

myself.

I want to say this. Three weeks ago, had I been here, I would have been totally against this. I was fortunate to sit down with Dr. Maugle and the Vice Chairman of the Mohegan about three weeks ago at the Shennecosett Yacht Club addressing every single point here. And they were conciliatory.

That's not going to block anything. It's going behind a little pier that's already on Pine Island. There's nothing but rocks over there.

And the other thing is everybody's worrying about sailboats and things. There's not a boatman in here that has a boat that draws over 10 feet.

I know that and they know it. So it's going to involve them.

I'm saying here -- I'm not speaking for or against it right now. But I'm saying they were very, very willing to listen. My objection was the scenic beauty and I told him. He said, "Well, what would make you happy?" I said, "If you put a boat out there, if it looked like all of the other boats in Pine Island." They said they'd do it.

They said, about the noise, they would do anything -- they'd take the generator away and run a power line from either the University of Connecticut or

our place. They're willing to make concessions.

I'm saying let's look it over. Let them make all of the changes. That's why we've had so many changes, because people keep giving them new ideas. Let's go and let's compromise. I think when you get done with it, this is going to be better for the community.

Don't let anybody kid you about aids to navigation. Nobody once mentioned about the lobstermen that put their pots in the middle of the channel. I just come in tonight just before I got here. Lobster pots all over the place. But nobody complains about those. They're a bigger menace than what this is going to be.

I'm saying let's listen. Let's have another meeting and get the whole thing squared out. And let them sign a pact, a legal document that says they will not go any further than what the Army Corps of Engineers.

Thank you.

MODERATOR ROSENBERG: Thank you, sir.

(APPLAUSE)

MODERATOR ROSENBERG: Is there anybody else who wishes to speak that has not filled out a card and wishes to do so right now?

Sir, contrary to normal procedures, we have a gentleman here that ceded his time to another. Would you permit that for another two minutes?

COLONEL ROVERO: Yes.

MODERATOR ROSENBERG: Mr. Spicer, if you'd like to take two more minutes?

And that's all.

Please say your name, spell your last name and the town you're in.

MR. WILLIAM SPICER: William C. Spicer, III, 49 Noble Avenue, Noank, Connecticut, being ceded time by Garan Camassar of Admirable Drive in New London.

In the inside Pine Island location, I got stepped on in that an old shellfish ground of mine was stepped on by an improvidently granted lease that was given to the Mohegan Tribe. I had a nice meeting with them. It was gentlemanly. It was professional. I liked aquaculture. They talked about making concessions. But we had a meeting on April 12 and nobody's ever gotten back to me. That's not concessions. That's not discussion.

And when followed with Dr. Maugle's letter on June 12 that tries to pick up my rights rather than utilize their own rights which evolved from 1997, very different.

There's a couple of other things. John Watson referred that Site 6 was not properly characterized. That's correct. The Ragsdale family has no holdings in Site 6 for the Mohegans to tag onto. None. I talked to John Ragsdale.

There may be also a conflict with a shellfish ground owned by Tom Yankee as Ram Island Shellfish as a buyer-out of somebody in the Malloy family.

Last and definitely not least is Section 26-194 of the Connecticut General Statutes, which speaks to all of the Mohegan leases from the State of Connecticut. And I note that your call of the meeting says that the leases are owned by the Mohegan Tribe and this is made by the Mohegan Tribe appointing Dr. Maugle.

The Connecticut General Statute says very clearly no lease shall be granted to a resident of a state which does not lease shellfish grounds to residents of this state.

MODERATOR ROSENBERG: Thank you, sir.
Thank you very much.

I'd just remind anybody if they have longer statements they wish to put on the record, our stenographer is still in the back and will be there for another ten minutes or so.

Colonel Rovero?

COLONEL ROVERO: We've heard a great many thoughtful statements today. And a careful analysis will be required before a decision can be made. As we've already said, we'll continue to receive comments until July 12, 2001. They will receive equal treatment and consideration with those presented tonight.

Finally, before I conclude this hearing, I'd like to extend my appreciation to the Groton Inn for providing this wonderful facility, the Groton Police Department for their support. And I'd like to thank you all for taking your time to provide us with your thoughts, your comments and your concerns.

Good night.

(Whereupon, the hearing was concluded at 10:20 P.M.)

VERBATIM PROCEEDINGS

UNITED STATES ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT

MOHEGAN TRIBE AQUACULTURE PERMIT APPLICATION

JUNE 25, 2001

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HEARING RE: MOHEGAN TRIBE AQUACULTURE PERMIT
JUNE 25, 2001

1 . . .Verbatim Proceedings of Speakers
2 in a Hearing before the United States Army Corps of
3 Engineers, In Re: Mohegan Tribe Aquaculture Permit,
4 held June 25, 2001, at 7:01 P.M. at the Groton Inn and
5 Suites, 99 Goldstar Highway, Groton, Connecticut. . .

6

7

8

9

10

11 MR. LUDWIG FUISTING: My name is
12 Ludwig R. Fuisting, F-u-i-s-t-i-n-g. I live at 855
13 Shennecossett Road in Eastern Point, Connecticut.

14 COURT REPORTER: Spell your road
15 please, if you would, sir.

16 MR. FUISTING: S-h-e-n-n-e-c-o-s-s-e-t-
17 t Road. That's about a block back from Pine Island.

18 I've been a taxpayer in the state of
19 Connecticut for 37 years. I've lived in the town of
20 Groton for 35 years. I've lived in the city of Groton
21 for 35 years. And I've had a mooring in Pine Island
22 Bay for 33 years.

23 I strongly object to commandeering
24 moorings for people that have been hard-working

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1 taxpayers in the state of Connecticut and giving them
2 to a private entity for profit.

3 Politicians and State organizations
4 that support this action should hang their head in
5 shame. There is already enough limited access to the
6 Sound for the citizens of the state of Connecticut
7 that this is really an affront to all of us who pay
8 taxes and support this great state.

9 Thank you.

10 MR. PAUL HARREN: Yes. My name is
11 Paul Harren, H-a-r-r-e-n. I live at 22 Hinkley Street
12 in Mystic, Connecticut. I just wanted to, you know,
13 express my opinion.

14 I -- in general, I support the
15 Mohegans in their -- in their -- in all of their
16 efforts because, you know, they contribute a lot back
17 to the community and what not.

18 But I am a little concerned about the
19 aquaculture program that they're proposing,
20 particularly because I have a boat at Shennecossett
21 Yacht Club in Groton and, you know, I navigate in the
22 waters that are -- well, not all from the Bay, but
23 from the Mystic River over to Pine Island Bay and
24 Niantic Bay.

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1 And I think the installation of the
2 upwellers and what not will have a severe impact on
3 navigating those waters. Of particular interest is
4 the barges that are being considered around Pine
5 Island because there are a number of members of the
6 Yacht Club that, you know, live on their boats for six
7 months a year. And, you know, to be installing barges
8 there with, you know, diesel generators running and
9 lights on, that would be a very significant negative
10 impact on -- you know, on the conditions that are
11 there now.

12 Also, you know, if you look around
13 that area, currently there are probably 50 lobster
14 pots right around Pine Island that would, you know, be
15 displaced because of the aquaculture, you know, bins
16 that will be going in. And, you know, lobstering is a
17 very significant cultural and economic part of this
18 region. And I think it would have a, you know,
19 negative impact on that, not only in the Pine Island
20 area, but also at the mouth of the Mystic River.

21 Also, in the Mystic River region I
22 think there's a lot of economic input to this
23 community from tourism, not only on land but also
24 people cruising on boats. And that region is very

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1 congested as it is, you know, especially on summer
2 weekends. And, you know, even during the week in the
3 summer.

4 And I think to, you know, restrict the
5 navigable waters, you know, would cause -- cause a lot
6 of heartache for not only the residents but also
7 cruisers who will be coming into the area.

8 And, yes, so I'm just concerned that
9 the -- you know, with the program because of the
10 impact it would have, you know, financially and, you
11 know, culturally and as far as navigation in the area.

12 And that's all.

13 MR. JAMES W. RYMASH: James W. Rymash,
14 R-y-m-a-s-h, 51 Hillside Avenue, Noank.

15 My concerns are -- as a boater -- I
16 have a couple of concerns, actually. As a boater, I'm
17 concerned with navigable waters. I'm concerned with
18 being able to come in in the fog and not run into some
19 of this array that's going to be out there. I draw
20 eight feet with the board down. And when I'm out in
21 the Sound, the board will be down. If I get falled, I
22 don't know what you do when it's foggy. You stand a
23 chance of getting hit by another boat.

24 I really feel that this is a detriment

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1 to the Sound rather than an addition to the Sound.

2 I also am not quite sure if anyone has
3 done an environmental study on this as far as the
4 impact from the effluent that's going to come from the
5 shellfish themselves. This is not a natural type of
6 setting that we have here. We're going to be
7 eventually probably doing millions of these creatures
8 which are going to be giving off some sort of
9 effluent. And I don't know if the Sound can stand it.
10 The Noank area alone at low tide smells wretched at
11 times of year. This is not going to help.

12 During times of storms, what's to
13 prevent this stuff from all washing up on shore or
14 getting relocated into areas that people are going to
15 be sailing through and running into this massive lines
16 and buoys?

17 I feel that there are better ways to
18 grow shellfish other than to lay -- have lines laying
19 down. I feel that there may be -- another study
20 should be done. There are people growing shellfish in
21 the Noank area now that don't have these arrays
22 sitting out there. They're on the bottom and they
23 dredge for them. I feel that that's a much idea. It
24 doesn't affect navigable waters. We still stand a

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1 chance of pollution. But I don't think you'll be able
2 to put quite as many oysters down or clams down in
3 that point. So that may not affect the environment
4 quite so much.

5 That's basically all I have to say.

6 MR. JOHN MacFADYEN: My name is John
7 MacFadyen. That's M-a-c-F-a-d-y-e-n. And I live at
8 98 Water Street in Stonington borough.

9 My concerns are largely with safety
10 for our property. If they are going to moor their
11 oyster barges alongside what is now the Garbo Dock,
12 they are only about 200 yards direct from our house.
13 In the event of a hurricane with a high storm surge,
14 those barges could go anywhere.

15 And my question is what are they
16 planning to do about hurricanes?

17 MR. STUART McCLENDON: I'm Stuart
18 McClendon, M-c-C-l-e-n-d-o-n. I have a house at 102
19 Water Street in Stonington borough. And I think the
20 project is probably a good idea, but not in the
21 location that it's planned.

22 From what I can see of it, it's going
23 to be a hazard to navigation. I'm a sailor and it's
24 going to be very difficult to get around some of these

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1 huge barges. And I think there will also be a
2 dreadful danger in a hurricane.

3 This project would be great if there
4 were no people around. But it's just not suitable for
5 this area. There's nothing wrong with an oyster
6 processing operation on shore as long as the oysters
7 are harvested in this area, at least, in the usual
8 manner.

9 That's it.

10 MS. SUZANNE BOEST: Suzanne Boest,
11 B-o-e-s-t, 20 Tyler Avenue, Groton, Connecticut.

12 I would just like to make a statement
13 that I am opposed to the aquaculture project being
14 done, whatever.

15 MR. THOMAS AHERN: My name is Thomas
16 Ahern, A-h-e-r-n. I currently reside at Shennecossett
17 Yacht Club, 1000 Shennecossett Road. My mailing
18 address is 1614 Southwest Seagull Way, Palm City,
19 Florida 34990.

20 And I would like to register my
21 opposition to the aquaculture program.

22 MR. CHARLES HOOPER: My name is Charles
23 Hooper. Residence, 1614 Southwest Seagull Way,
24 Stuart, Florida.

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1 I'm also a member of Shennecossett
2 Yacht Club and, as such, keep a boat in Pine Island
3 Bay. I'm very concerned with neighbors who have more
4 money than they know what to do with.

5 We've just gone through four years at
6 least of building project on Avery Point that was very
7 disturbing with both noise and dirt pollution. The
8 project made our lives very difficult at Shennecossett
9 Yacht Club.

10 I feel that this Indian project might
11 be a similar situation. We're concerned with a barge
12 in our bay. We're concerned with a diesel engine
13 running at night with many people living on their
14 boats. We're concerned with the navigational
15 difficulties we could run into with sailboats
16 throughout all of Fisher's Island Sound and other
17 areas where mechanical devices will be used.

18 We're concerned with storm -- storms
19 breaking these systems up and being a hazard to our
20 facilities. And I'm not sure how regulations could be
21 imposed to reduce those concerns.

22 And basically that's all I have to
23 say.

24 MR. STEVEN CARINI: Steven Carini.

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1 And --

2 COURT REPORTER: Spell your last name?

3 MR. CARINI: C-a-r-i-n-i.

4 I live at 902 Shennecossett Road. I'm
5 right across from where they're going to be doing a
6 large part of the project. And I am in favor of the
7 project for a number of reasons.

8 First of all, I think it's vastly
9 important for us to start farming resources instead of
10 just taking them out of the ocean and taking them in
11 such a fashion that it causes damage to the
12 environment.

13 This is going to in no way damage the
14 environment. I've gone over the entire plans and I
15 can see the benefits that are going to come from this
16 are going to be enormous on several levels.

17 One, of course, is the amount of food
18 that will be harvested in the process. The advantages
19 to the environment are going to be from the -- during
20 the process of growing, a number of things are
21 released into the environment, a number of blooms that
22 are going to be food for all the fish in the area.

23 We've been having terrible decimation
24 of namely the blackfish species and scup. This is

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1 going to vastly increase the number of blackfish and
2 scup that come into the region.

3 Other things involve -- a lot of
4 people are against it because of navigational
5 problems. I looked over the plans. I don't see any
6 problems with navigation the way this is presently
7 planned.

8 I think this kind of thing is going to
9 set a precedent for the future. They have enough
10 money that they can do this sort of thing. And it's
11 going to really just give people the guidelines for
12 doing this sort of thing in the future.

13 MS. MARIA ROBINSON: My name is Marcia
14 Robinson, R-o-b-i-n-s-o-n, One Osprey Lane, Mystic,
15 Connecticut. That's on Mason's Island. So I'm very
16 aware of what goes on in the water.

17 We are boaters. And I find it a
18 visual disturbance that -- more practically, a
19 nuisance and danger to boating to have the proposal.

20 Thanks very much.

21 MR. MARTIN LYONS: My name is Martin
22 Lyons of 10 Skiff Lane, Mystic, Connecticut 06355.
23 And on May 7, I sent a letter to Ms. Rose at the Corps
24 in which I discussed four or five issues.

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1 Having talked to the people from the
2 Tribe this afternoon for quite some time and having
3 tried to better understand their proposal, I continue
4 to feel that the issues outlined in my letter are
5 important.

6 And they dealt with aesthetics in that
7 Fisher's Island Sound is one of the most beautiful
8 coastal waterways in the United States. And this is
9 project is going to make it difficult for people to
10 enjoy parts of the Sound.

11 Secondly, navigation. I continue to
12 feel that navigation will be hindered and it become
13 dangerous in stormy weather.

14 Thirdly, safety. I'm unclear about
15 the equipment that they're going to lay in the sound.
16 And I still think there are safety issues that need
17 to be addressed.

18 And lastly, liability issues. My most
19 important concern is who pays for damage done by
20 equipment that breaks loose or by vessels which get
21 tangled in the equipment that's being suspended from
22 the surface.

23 So I encourage you to go back to my
24 May 7 letter. And, in fact, I will give you my copy.

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1 COURT REPORTER: Thank you.

2 MR. LYONS: Secondly, having looked at
3 the application, which is really only a couple of
4 pages long, it's a very complicated project. I
5 believe it's both confusing and inadequate. And I
6 strongly recommend that the Corps ask that the
7 application be withdrawn, substantially expanded and
8 then refiled.

9 My concerns, among other things, may
10 be totally false. But people are talking about
11 genetically engineered oysters being introduced into
12 the waters. I don't know if this is true or not.
13 They're talking about all sorts of antibiotics being
14 introduced into the waters.

15 I think they need to address issues
16 such as the science of what they're doing, as well as
17 the engineering of what they're doing.

18 Lastly, with regard to liability, I
19 would -- if a permit is granted for whatever they do,
20 I would strongly recommend that a bond be required to
21 be posted so that any damage done by either a barge
22 breaking loose and damaging boats or docks or
23 breakwaters or bulkheads can be quickly paid for.

24 I'm most concerned about a barge

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1 breaking loose in Stonington Harbor and going through
2 the fleet there and wrecking boats, as could happen
3 and did happen during Hurricane Gloria in 1985, or a
4 barge breaking loose from Ram Island and working its
5 way through the Noank Harbor, which happened where I
6 guess 50 or more boats broke loose during the
7 hurricane in 1985 and wound up on the railroad
8 trestle.

9 I can see just an incredible
10 administrative nightmare trying to be compensated for
11 damage inflicted by this barge, should it break loose.
12 And I strongly recommend the Corps provide the
13 residents of our area with a means of rapid recovery
14 of costs associated with any injury that they suffer
15 from this enterprise.

16 Initially, I felt that this project
17 was akin to Exxon/Mobil moving their oil drilling
18 equipment into Fisher's Island Sound and erecting
19 drilling platforms. I don't think it's of that scale.
20 But this is a very wealthy organization. They're
21 going to do what they want to do once they get their
22 permit.

23 And I strongly recommend that they be
24 highly regulated right now so that they can't go

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1 beyond what they've asked for.

2 Thank you very much.

3 MR. GORDON LEITNER: My name is Gordon
4 Leitner, L-e-i-t-n-e-r. I live in 86 Old North Road
5 in Mystic. I have three questions. And the one is
6 perhaps very basic.

7 But I think it would be helpful for
8 the public to understand by what authority the Corps
9 of Engineers acts to lease out public lands under the
10 water and where does that come from. I think that
11 should be set forth, that there is some statute to
12 cover that.

13 Question No. 2 is if the Corps of
14 Engineers is giving serious consideration, which they
15 are, to granting this request, this proposal by the
16 Tribe, then have competitive bids been received? And
17 would they receive bids from someone from another
18 authority?

19 And Question No. 3 is how much will
20 the Tribe be paying to whatever authority there is for
21 this -- for this leasing of this property which they
22 will be granted to? And I think that I'd just like to
23 see some dollars and cents attached to those -- to
24 that proposal.

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1 Thank you very much.

2 MS. KATE GIORDANO: Kate Giordano, G
3 as in George, i-o-r-d as in David, a-n-o from
4 Branford, Connecticut. I have no association in the
5 area at all.

6 But my opinion is that the regulatory
7 agency should look at similar shellfish operations
8 that have happened in Norwalk and in Bridgeport and
9 evaluate what has been done there and what hasn't been
10 done there, what's been successful, what's failed, and
11 compare those -- that data with what's being proposed
12 here.

13 And, you know, is the reason that there's
14 only one fleet, one fishing fleet left in Stonington -
15 - you know, were there fleets down there that have
16 been eliminated? And have the shellfish operations at
17 all contributed to that? Or maybe they haven't.

18 I just think a comparison of what's
19 real with what's proposed would be a good idea.

20 MS. RITA McCREARY: My name is Rita
21 McCreary, M-c-C-r-e-a-r-y. I live at 26 Diving Street
22 in Stonington, Connecticut.

23 I have had dealings with the DEP for
24 at least ten years. And the mantra that repeated

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1 itself over and over was that the bottom and the
2 waters off Connecticut belong to the people of
3 Connecticut. So if you want an out-haul or a mooring
4 or extend your dock or anything, it's a very critical
5 thing because you are taking something from the
6 public, the whole public.

7 To me, this project seems to be
8 appropriating enormous tracts of what I have been told
9 over and over again by the DEP belongs to all the
10 people of Connecticut.

11 I have not heard of any formal change
12 of policy in ownership. And I think that is exactly
13 what we are dealing with.

14 Thank you.

15 MS. ANN CONTI: My name is Ann Conti,
16 C-o-n-t-i. I live at 850 Noank Road in Mystic. We're
17 on the cove, but we can already see that it's
18 difficult on the Mystic River to get through on the
19 weekends. There's no room for boats. There is no
20 room for recreational traffic.

21 I've had no objection to, I guess, the
22 concept of it off in some area that's less population
23 than this. But we have been residents of this over
24 for over 30 years. And the increase in traffic,

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1 boating traffic, in Fisher's Island Sound during that
2 time has been unbelievable.

3 So I think anything that was going to
4 obstruct that I'm opposed to entirely, to say nothing
5 of the safety issue as far as boats.

6 Thank you.

7 MS. CONNIE BLAIR: My name is Connie
8 Blair, B-l-a-i-r. I live at 148 East Shore Avenue in
9 Groton/Long Point.

10 First, I am opposed to the
11 aquaculture, not because I'm afraid of progress and
12 not because it's the Mohegan Indians who are the
13 proponents of it. I am concerned about the drag of
14 the lines, because of the huge amount of boat traffic
15 that goes through there.

16 In storms, what would happen to these
17 things? You know, et cetera, et cetera.

18 And I'm also opposed just because of
19 the giving of public land to any group for commercial
20 purposes.

21 That's it. Thank you.

22 MS. JULIA PARRY: Yes. My name is
23 Julia Parry. And I live at 36 Money Point Road in
24 Mystic. And as I've listened to speakers this

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1 evening, I've become more and more convinced that this
2 is a very troublesome proposal and would have serious
3 negative impacts on our area.

4 I'd like to write you more, if I
5 could, as I work more on what my thoughts are. But I
6 do feel that the public right to pass and repass on
7 the waters is extremely important. And I feel this
8 would certainly -- certainly limit it.

9 I'm not a great sailor. But one of
10 the reasons that we started coming here almost 30
11 years ago was the sailing and the recreational
12 activities that we've loved so with our family. And
13 we feel that it would clearly be limited, particularly
14 for sailors who are not wonderful ones, if what
15 happens is if there are floating structures that are
16 fixed -- that are fixed structures and floating
17 structures and lights that are on and generators that
18 are humming. We feel that all of these things would
19 be very injurious.

20 And we do hope that you'll find a way
21 to decline the proposal while supporting appropriate
22 activities for the Tribes.

23 Thank you.

24 MS. BARBARA JOHNSTON: My name is

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1 Barbara B. Johnston. I live at 35 Seacrest Avenue,
2 Niantic. That's in Black Point.

3 I am concerned about the Niantic Bay
4 and I have written a proposal here, as well as
5 providing a map of leases that have been given out by
6 the State of Connecticut. Presently showing on this
7 map, the Mohegan Tribe has three leases, No. 525, No.
8 528, as well as opposite Stonington Harbor, No. 589.

9 I'll read my letter. "To Whom It May
10 Concern, I have tried to address the extent of the
11 public and private needs of this proposal as
12 presented. The U.S. Army Corps of Engineers has
13 jurisdiction over placement of structures in navigable
14 waters and also any potential to alter or modify the
15 course, condition, location or capacity of a navigable
16 water.

17 The Mohegan proposal lacks this
18 necessary information and how it will affect the
19 public navigation, recreation and commercial fish
20 harvesting. Under Section 306 of the Federal Coastal
21 Zone Management Act of 1996, the State of Connecticut
22 DEP must determine State Coastal Zone consistency
23 before the placement of structures in Long Island
24 Sound."

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1 "As a sovereign nation with special
2 rights on the Reservation only, with local -- will
3 local towns collect any taxes? Sewer outlets are in
4 the proposed areas. Will these outlets be replaced or
5 removed by the Tribe? With these outlets in place,
6 how does it affect the quality of shellfish?"

7 "Dredging is proposed. How will it be
8 done? What time of the year? How often? Have
9 natural shellfish beds been set aside?"

10 "A processing plant is to be located
11 on the Reservation. Hence, what benefits are there to
12 the affected towns? The way I see it, none. This
13 proposal shall include, but not limited to, provisions
14 for the orderly, safe and efficient allocation of the
15 waters, especially the Niantic Bay for boating,
16 fishing, kayaking, et cetera."

17 "This proposal is not consistent with
18 the coastal resources as through the DEP's Coastal
19 Area Management Plan. Connecticut General Statutes
20 Section 26-202 to 207 should also have been addressed
21 by the applicant."

22 "Until conservation, economics for
23 all, not just for the Tribe, as well as open books
24 showing quality and quantity of production, water

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1 quality, general environmental concerns, aesthetics,
2 hazards of navigation, recreation and the needs and
3 welfare of the people are addressed by an
4 environmental impact study, I believe this proposal as
5 it is presented should be denied."

6 "This project should be bonded in an
7 amount sufficient to cover damages for loose equipment
8 and waterfront properties/beach cleanup. Any claims
9 will become a Federal issue due to the Tribe's claim
10 of being a sovereign nation. State courts will not be
11 able to resolve the issues. Sincerely, Barbara
12 Johnston."

13 MR. ALAN JACQUES: My name is Alan
14 Jacques, J-a-c-q-u-e-s, 28 Harbor View Avenue,
15 Waterford, Connecticut. I spoke at the meeting and
16 wanted to have the additional comments that I didn't
17 get a chance to read into the record here.

18 Additionally, economic impacts that I
19 feel will be beneficial to the area. Local shellfish
20 commissions will benefit from the establishment of
21 cooperative agreements with the Tribe. Restoration
22 projects for recreational scalloping and clamming will
23 have an economic multiplier effect as more
24 recreational shellfisherman are drawn to southeastern

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1 Connecticut. This will indirectly benefit
2 restaurants, gas stations, marinas, hotels, et cetera.

3 Environmentally, it will help clean
4 the waters. There's hundreds of millions of gallons
5 that will be filtered daily. There is also a
6 beneficial effect to the natural clam and oyster
7 population as the mature shellfish spawn and disperse
8 their seed over the entire area.

9 Lastly, the local availability of
10 early season shellfish seed will help nurture small
11 shellfish operations like myself. Let's not forget
12 that, unlike traditional fishing operations, the
13 proposed project will represent a renewable and
14 sustainable fishery which will continually replenish
15 the crop.

16 The operation will put southeastern
17 Connecticut in the world aquaculture map.

18 And, lastly, we should not forget this
19 is farming.

20 Thank you.

21 MR. ALAN BANISTER: I'm Alan Banister,
22 spelled B-a-n-i-s-t-e-r. I'm a member of the
23 Stonington Shellfish Commission and an instructor of
24 oceanography.

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1 I have a concern about the Site 6 that
2 the Mohegans are planning to use east of Ram Island.
3 Particularly, I've been concerned about eel grass.
4 There is a large eel grass bed in that site. It is a
5 healthy meadow. And we have surveyed that area within
6 the last year and know of the existence of that
7 healthy bed of eel grass.

8 What I'm concerned about is the
9 putting of cages on the bottom of that area, a fairly
10 extensive area. I believe it's 23 acres that they're
11 talking about. And the potential degradation of the
12 eel grass in that area the degradation of the habitat
13 that that eel grass encompasses. And that is my
14 current concern.

15 Thank you.